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EDITORIAL COMMENT

Smoke Abatement for Next Year

New York and other cities which use anthracite exclusively (when they can get it) hope and pray that smoke abatement will not be the serious issue next winter that it has been in the past. In scores of cities, however, smoke will continue to be a very real nuisance as well as a source of economic loss to the community. Fortunately much can be done towards abating the nuisance and reducing the loss if sufficiently strenuous measures, such as are described by Mr. Meller in this issue, are taken. In view of the great strides made in Pittsburgh who will say that results do not compensate for the effort expended in securing them?

Now is the time of year for city officials and others to read Mr. Meller's article and to make preparations to carry his suggestions into effect. Successful smoke abatement may seem expensive and undoubtedly requires a period of time for its accomplishment, but if an organization is developed and plans are made in advance, the smoky season next winter will be less grimy and more healthful.

In this connection results secured in Salt Lake City are encouraging. A study of the records indicates that the total amount of smoke produced by heating and industrial plants, exclusive of private residences, in 1925 was only 66 per cent of the amount produced in 1924, only 42 per cent of the amount produced in 1923, and only 27 per cent of that produced in 1922. Every large heating and industrial plant in the city is now equipped with proper smoke abatement devices. The largest portion of smoke now produced within the city limits comes from the heating plants of private residences, but experimental work carried on by a crew of part-time men has proven very conclusively that the smoke from the residences can be reduced 50 per cent during the first winter in which the new methods are applied. This work will not be expensive. It is estimated that the instruction and supervision of the operation of residence heating plants would not cost more than fifteen cents per house per year. Increased comfort would justify a heavier expenditure than this, but when the economic and health savings are considered the cost of smoke prevention becomes negligible.

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Non-Voting Public Utility Stock

During recent months there has been growing interest in non-voting stock in relation to corporate control, especially as affecting public utilities. The tendency on the part of financial interests to obtain control of large business undertakings with little or no cash investment, was

brought out early in the year by Prof. W. Z. Ripley of Harvard University, who pointed out the dangers to our business standards. If by various devices, such as lessees, holding companies, voting trusts, non-voting stock, etc., the control of the property is diverted from the actual owners to persons who have little or no money at stake in the enterprise, there is grave danger of financial manipulation and mismanagement, with attention centered upon the stock market rather than on the economic function of the business. This applies particularly to railroads and utilities, which are clothed with a special public interest.

There are two aspects to this problem: first, stockholders who have made investments in the properties should not be deprived of the voting right and, second, no special security owners with little or no investment should obtain exclusive or preponderant control of the properties. This principle was recognized by the interstate commerce commission in refusing to approve the Van Sweringen railroad consolidation, and was emphasized still more recently by the board of public utilities commission of New Jersey when it refused to approve a proposed issue of non-voting stock by one of the public service companies operating in the state of New Jersey. Such non-voting stock issue is legal so far as the general corporation and public utility law of the state is concerned, but the refusal to approve the issue was based upon the public danger of separating ownership and control and placing control in the hands of a group which has no substantial capital invested in the service. There is here a very important problem that deserves careful study throughout the country, especially in the rapid development of holding company systems. It appears particularly in the large amount of non-par value stock employed in developing the holding company groups.

J. B.

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Should Corporations Vote in Municipal Elections?

There appears to be a strong movement in England in favor of extending the local government franchise to private corporations owning real estate within the municipality. A bill to enable such corporations to vote is before Parliament and the commercial and industrial boroughs are particularly interested in it. The argument is that business corporations own a great deal of the taxable property but have no voice in the government of the municipality and that the local authorities are incurring vast expenditures in which the corporations which pay the taxes have no voice. It is said that the percentage of ratable property owned by corporations in the largest cities (including Liverpool, Manchester and Birmingham) amounts to more than 30 per cent of the whole, and it is felt that there can be no democratic representation as long as this amount of property is denied a vote.

The case of the borough of Poplar has helped to stimulate interest in favor of the plan. Today almost one-half of the rates paid in this much discussed borough are collected from companies who have no right to vote as such in the local elections. This borough is heavily populated by laborers, the owners and directors of the companies living elsewhere under more attractive surroundings, and it is the heavy labor vote which has been responsible for the so-called socialistic experiments undertaken by the Poplar municipal council.

The proposal to give the ballot to manufacturing and commercial corporations sounds strange indeed to American ears. We no longer identify the right of suffrage with the ownership of real estate. Although the Repre-

sentation of the People Act of 1918 made the local government franchise all but universal in England, the small property qualifications remaining still exclude thousands of household servants and sons and daughters living with their parents. The identification of the franchise with property holding has not, therefore, been completely abandoned and to give corporations the right to vote because they hold property would constitute a return to the principle that property per se is entitled to representation.

The contrary is the doctrine generally held in the United States and irrespective of how plausible may be the arguments in England in favor of allowing corporations to vote in municipal elections there is no possibility that the movement will spread successfully to this country. Most of us have a vague feeling that corporations contrive somehow to be represented although their names do not appear on election registers and they make no pencil marks on the ballots.

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Gasoline and Governmental Costs

Some light on increasing costs of local government is thrown upon a recent report of the United States bureau of mines regarding gasoline consumption and registration of motor cars. In 1925 the estimated production of gasoline was 10,886,000,000 gallons against 8,900,000,000 in 1924 and 7,500,000,000 in 1923. Approximately 85 per cent of this quantity was demanded for domestic use.

The number of motor cars and trucks registered in 1925 was 20,100,000 against 17,500,000 in 1924 and 15,000,000 in 1923. The average number of gallons of gasoline consumed per car was 497 in 1925 against 476 in 1924 and 489 in 1923. Inasmuch as the efficiency of the automobile engine has not been reduced during this period, the increase in the number of gallons used per car is doubtless due to the increased percentage of trucks and motor busses as well as probable greater use of the family car. This means more roads and harder wear on them, more traffic policemen and more money spent in traffic control, as well as other real but less obvious burdens which the automobile has thrown upon local government. In a word, cheap gasoline means higher governmental costs, but if it means more joy in living no one should complain. Protests against high taxes have sounded to high heaven, but to date no one has suggested legislation to abolish the automobile in favor of lower taxation. And it would be well to remember that the same considerations apply to other phases of governmental activity and increased costs.

And while we are on the subject we would call attention to the article in this issue by Clarence Heer on the Rising Cost of State Government. Many honest and sincere people are convinced that higher taxes in recent years have been due to a veritable saturnalia of public spending by selfish politicians. After reducing the current expenditures for commodities, which the state of New York buys, to the pre-war price level, Mr. Heer reveals that almost one-half of the increase is due simply to higher prices of services and materials. Only 20 per cent of the increase can be called optional; over the balance the state legislature had no control. Moreover, if chronic tax kickers will examine the purposes to which this optional 20 per cent was devoted, they will concede that they were reasonable and desirable. We all dislike high taxes in the abstract, but few of us would prefer to do without the wide range of services afforded by government. Naturally these services cost something and must be paid for.

County Government Reform Urged by Governor Smith

In his annual address to the legislature, the governor of New York urged that attention be given to the reduction of wastes in county government, and asked that the legislature continue the Hughes commission, appointed to prepare a plan of consolidation of the state administrative agencies, for the purpose of studying the reform of county government. Governor Smith points out that county government costs the people of New York about $47,000,000 annually. Many counties, he states, have a population less than that of two square blocks in New York city. Great economies, he believes, can be effected by consolidating such counties. The telephone together with auto transportation over hard roads has destroyed the old arguments in favor of the existence of these small counties.

That the governor is in earnest is demonstrated by repeated reference to the subject in later speeches. He has pointed out that a similar recommendation was made by Governor Miller in 1922 and ignored by the legislature. The cynical assert that these sparsely settled up-state counties are overwhelmingly Republican and that to consolidate them would be profitable to the Democrats, since each county is allowed one member in the state assembly irrespective of how small its population may be, a condition which increases Republican strength in the legislature out of proportion to popular voting power. On the other hand, it must be said in fairness to Governor Smith that his recommendation for a thorough survey would extend to the five counties which make up New York city and which provide rich spoils for the Democratic organization. In an address before the State Association of Real Estate Boards, he had this to say of New York city: "New York has five counties inside one city and nothing could be more ridiculous. They have a sheriff in each county down there and there is nothing that the sheriff does that an attendant of the supreme court couldn't do." Governor Smith was once sheriff of New York county and it may be presumed that when he made this declaration he spoke from knowledge gained by experience.

In a later message which we will publish in next month's REVIEW, Governor Smith boldly characterized New York county government as archaic, and considered in detail the shortcomings in service and efficiency rendered by a system which has existed without material change since the time of Peter Stuyvesant. Unless we are to keep county government as a national monument to be increasingly hallowed by age as the years go by, intelligent people must give honest and careful attention to it.

The real truth is that neither political party in New York cares to discuss county government, any more than do political parties in any other state of the Union, and Governor Smith's recommendation, like that of his predecessor, will come to naught. Newspaper writers agree that an investigation would disclose irregularities in many counties and recall efforts made by Mr. Hughes to secure legislation when he was governor authorizing him to examine into the affairs of counties. Mr. Hughes will not be given another crack at county government if the legislature can help it. Some day, however, the lid will come off.

SKETCHES OF AMERICAN MAYORS

III. JAMES M. CURLEY OF BOSTON

BY T. G. GOOS

From early years an indefatigable political worker, Curley rose from the tenements to become twice mayor of Boston. Self dramatization is his strength and as old friends leave him a new following springs up. And Boston hasn't finished with him yet, nor he with Boston.

Among prominent Bostonians of today, none presents sharper contrasts in character than the man whose second term as mayor of his native city ended last January. Few, if any, of his contemporaries have been so amply endowed with outstanding traits which would enable them to make a mark for better or for worse in whatever line of endeavor they might select. Few have traveled as far as has James M. Curley from his humble beginnings in the Roxbury district. He has not, however, always kept along the "straight and narrow" way and consequently he and his methods and accomplishments are a prolific source of argument in his city and will continue to be so for many a day.

Little can be found in Curley's schooldays to explain his subsequent career, for he did not stand out among his mates either as a leader or as a scholar. The death of his father while he was still in the elementary grades probably cut short his formal education which ended in the evening high school. His self-education has not yet ceased and has been both broad and deep.

Even before he graduated from the grammar school he was working after hours for a local druggist and continued with him for two years after leaving school. Then for eight years he was a salesman and collector in the grocery business and after that in the insurance business for a few years before he turned definitely to what has been his chief occupation ever since—politics.

A HARD WORKER IN WARD 17.

He had apparently made some progress politically before he became an active candidate because when he first ran for office in 1899 he was not only a member of the Jackson Club, an organization which included most of the Democratic leaders in his section of the city, but had also become prominent in Irish societies. About a year later, however, he and his associates formed a Democratic organization and called it the Tammany Club of Ward 17.

Curley was president of the new club and through it and on it he built the solid foundation of his political fortunes. He still controls it and it is still a powerful factor in the city. In these days Curley was diffident, modest and appealing, and physically a slim, almost frail, fellow who was the idol of his friends and at the beck and call of everybody in his district. A typical day then began about eight in the morning, while he was eating breakfast in the kitchen of his tenement home, with visits from half a dozen or more people seeking jobs, loans or other favors. Those whom he could not attend to at once would accompany him to the Tammany Club quarters, gathering recruits on the way, and there he would meet another group.

He would then attend to each case as well as he could by such means as giving them letters of recommendation, calling people by telephone or by giving out small sums in cash, the total of which was far greater than his known income. About eleven o'clock he would take those who were still unattended to down town to City Hall, dispose of some more of them together with an additional contingent awaiting him there, and about noon would go to his brother's real estate and insurance office a block away to get rid of the last of his retinue and to meet his lieutenants before going to dinner at two o'clock. He would appear again at the Tammany Club about seven in the evening, dispose of another group of suppliants, for it was one of his rules then never to give an outright refusal to any plea for aid, make a round of dances, social gatherings and wakes in the district between nine and eleven and return to the clubhouse for a couple of hours' gaming or talking with the boys. Such was a typical day from one election to another with simply intensified activity during campaigns.

It was during this period of his life that he was convicted of impersonating another man in a United States Civil Service examination. For this crime he served two months in jail, but whatever the stain on his private reputation, through his unrepentant attitude and skilful manipulation, this offense became a political asset of great value. He was re-elected alderman while serving his sentence and for many years gained votes on the strength of having "done time" for helping to get a man a job.

HIS WIFE SHARES THE CREDIT

During this period too he married a woman of great strength of character and forceful personality to whose encouragement and counsel many of his future successes are commonly attributed. Whether or no it was due to her influence, it is impossible to tell, but about the time of his marriage he began to be less intimate with his more humble associates, to be more the reserved and distant leader and to cultivate the "white collar" element of his Tammany membership. He was beginning to expand his horizons and to school himself for the game in a broader field.

Curley's public career includes service in the old common council of seventy-five members in 1900–01; in the state house of representatives in 1902–3; and in the board of aldermen, with thirteen members, 1904–9. This body was replaced by a city council of nine to which Curley was elected and in which he served until March, 1911; then he became a member of congress until 1914, resigning only after he had been sworn into office as mayor, when objection was made to his holding both offices. He was defeated for re-election as mayor in 1917 and for the Democratic nomination for congress in his old district in 1918, elected mayor again in 1921, defeated for governor of Massachusetts in 1924, and since the Boston charter now debars a mayor from succeeding himself, he is out of office for the present.

While he was building up a reputation as a clever, tricky, vituperative, and bold leader of the "gang" element during his long service as a member of the municipal legislative bodies, he was likewise acquiring an intimate knowledge of the city's affairs, administrative methods and personnel which enabled him to know how to take executive control, when he became mayor, better than any other mayor-elect since 1891. To-day after eight years as mayor he is indubitably one of the four best informed men in the city on municipal affairs and pos-

sibly without a peer. During these years he was steadily improving himself mentally by study and also developing his great natural gifts as an orator. Still it was not until he announced himself as a candidate to succeed Mayor Fitzgerald in the 1913–14 campaign that his audacity and ability for bigger things really impressed themselves on his fellow citizens.

HIS FIRST CAMPAIGN FOR MAYOR

Many potential candidates flirted with the idea of running then. Mayor Fitzgerald scared or squeezed out all the "gang" candidates except Curley and Thomas J. Kenny's friends induced all the reform candidates to drop out except Earnest E. Smith, who at the last moment was held to lack sufficient signatures for nomination. Then, too, Fitzgerald dropped out on the plea of ill health, although rumors have persisted that certain threats by Curley were even more effective in making his decision.

The contest thus was between two strangely contrasted men. They were alike in being descendants of humble Irish Catholics and in having forced themselves up by hard work, but unlike in almost all else. Kenny was a middle-aged, staid, dignified lawyer, cold in manner, reserved, unmagnetic, slow but clear in his thinking and the soul of honor in both public and private affairs. Curley was young, fiery, with a pleasing presence and an exceptionally magnetic personality, daring in his political tactics, brilliant and unusual in his political strategy, tireless in his energy and willing to campaign at a headlong pace. Curley appealed to the sense of the dramatic, posed as the underdog, stirred up race prejudices, fired the "gang" with his own enthusiasm and got the undercurrent running in his favor. Kenny was Curley's best advocate, next to himself, by the absolutely uninspiring showing he made and through the ineptitude of his managers. To cap the climax, when election day came the thermometer was about ten degrees below zero. The vote was light and to the astonishment of all but close observers, Curley won by about 6,000 votes.

REVERSAL OF FORM IN FIRST ADMINISTRATION

Once in office he was faced by a difficult situation with an empty treasury and much unemployment. He attacked these problems courageously and intelligently. The first few months of his administration were so full of promise of good things that in the fall of 1914 some leaders of the political reform organizations gave a dinner in honor of Mayor Curley at which their praise of him was emphatic. Shortly afterwards the tone of the administration changed and from then on all the usual abuses of a "gang" mayor prevailed with a ruthlessness and boldness which made most people gasp, and many who had to deal with the city government, bow and bide their time.

When the preliminaries of the election campaign in 1917 began, the time was inopportune and the tactical situation bad for Curley. The community was deeply stirred in its patriotic feelings, but Curley had shown himself pro-German on many occasions prior to our entrance into the war and even after we did go in he made at least one important speech which was not wholeheartedly American. Many of the "gang" element were sore at his treatment of them and several other leaders were unwilling to concede him the chance for re-election which he desired without opposition. Some he squeezed out quietly, with others he flung caution and discretion

to the winds. It was hinted, for example, that ex-Mayor Fitzgerald might run. In July, 1917, Curley permitted an anti-war Socialist parade and meeting. Fitzgerald took him to task publicly for it and Curley pounced on him. In a newspaper statement the next day he said:

> The only individual anxious to suppress the truth or to restrict free speech is the one whose acts, public or private, will not permit of thorough scrutiny or exposure to the world.
>
> The frothing of a certain person on Boston Common last evening was not directed against me personally because of anything said by me, but was with a view to stifling free speech in general, as a measure of personal protection from the truth, which in its nakedness is sometimes hideous though necessary.
>
> I am preparing three addresses which, if necessary, I shall deliver in the fall, and which, if a certain individual had the right to restrict free speech, I would not be permitted to deliver.
>
> One of these addresses is entitled: "Graft, Ancient and Modern"; another, "Great Lovers: From Cleopatra to Toodles," and last, but not least interesting, "Libertines: From Henry VIII to the Present Day."

Fitzgerald answered him effectively in a somewhat more dignified fashion, but he did not run. Instead he and many other politicians, who disliked Curley, rallied around Congressman James A. Gallivan, split the "gang" vote, and made sure the election of Andrew J. Peters, a so-called Yankee Democrat of fine character with a long, distinguished record of public service, who was supported by the Good Government Association forces.

Curley suffered another defeat in 1918 when his desire to avenge himself on Congressman Gallivan apparently blinded his political judgment. Gallivan had succeeded Curley in congress and was very popular in his district. Curley contested the nomination with him although with characteristic boldness he had about 1916 moved out of the district into a costly new mansion, built largely by city contractors, in an exclusive residential district. This campaign was very bitter and the fact of non-residence helped Gallivan to beat Curley in every ward except the Tammany stronghold.

RE-ELECTED IN 1921

From then on Curley devoted his political activities to methodical, thorough preparation for the mayoralty campaign in 1921. He spoke wherever opportunity offered, particularly on the Irish troubles. He ostentatiously sided with the striking policemen in 1919. He belittled the Peters administration which in the trying war times did a creditable piece of work. He began his real campaign in the spring of 1921 long before any of his possible rivals dared to announce themselves, and from the standpoint of technique planned it admirably and staged it well.

Everything in it focussed upon Curley himself. Except at the very end, even those leaders who were with him were kept in the background so that the appearance of a lone fight could be maintained. He had to build up his own organization because the shell of the Democratic machine and the administration were controlled by his enemies. His friends were carefully assigned all over the city and through broadcast circulation of pledge cards during the summer, which were followed up by mail, many more workers and sympathizers were recruited. Attacks on his probable rivals were planned, and the entertainment at rallies thought out carefully. A deceptive and misleading, but most effective, speech, illustrated with stereopticon views and moving pictures on the contrast between his administration and that of the "Goo-Goo" Peters, was prepared for delivery.

The general opinion was that his

record and his defeats in 1917 and 1918 had ended his chances of election, but during the summer events began to shape themselves favorably. Judicial proceedings were begun against a blackmail ring, which was very powerful politically, and just as the campaign opened in the fall, Joseph C. Pelletier of Boston, the district attorney of Suffolk county, was formally accused of complicity in the blackmail operations. Pelletier countered by announcing his candidacy for mayor, and, posing as one who was persecuted because he was a successful Irish Catholic, brought up the racial and religious issue in virulent form.

The Good Government forces could not run Peters again because of a charter amendment and after carefully sifting the field, they endorsed John R. Murphy, an Irish Catholic of long experience in public affairs and an unblemished public and private record. He was a brother-in-law of John Boyle O'Reilly, the poet, and a lifelong advocate of the Irish cause, but he was sixty-five years old, had developed a rather brusque and irritating manner, and during his long career had made many political enemies by his outspoken adherence to high standards, especially when he disrupted and defeated the Democratic party in 1899 because he believed the nomination for mayor had been stolen from him. Two minor candidates stayed in the race: O'Connor, a clean young Irish Democrat with no particular weight, and Baxter, an old Republican machine politician who ran on an anti-Catholic platform.

A CAMPAIGN OF MISREPRESENTATION

Murphy at once became the target for all his rivals. The Pelletier and Curley forces treated each other gently, but to Murphy they applied the psychological formula, 'vigorous assertion, repetition, contagion and conviction' with deadly effect. "Poison gas" squads deliberately circulated propaganda that Murphy had left the Catholic Church, become a thirty-third degree Mason, a Baptist, a director in the Loyal Coalition (a local anti-Irish society); that he was disgracefully parsimonious and hardhearted with his family. All was baseless, but so thoroughly spread that thousands of voters were swayed by it. Denials were made, of course, but the truth never caught up with the lie.

As election drew near, however, it was clear that with both Pelletier and Curley running, Murphy would win. Both were deeply committed to staying in, but Curley proposed an elimination, Pelletier accepted, and the editor of a particularly yellow newspaper, the only one in town not supporting Murphy, was chosen as umpire. At practically the last minute and in dramatic fashion, he decided in favor of Curley and withdrew Pelletier. The situation changed in a flash.

Now Curley's careful organization work told. His followers toiled frenziedly. His enthusiasm was invincible. His press agents outdid themselves. The Boston *Post* had published a series of character sketches of the candidates. The sketch of Curley, if carefully read, was a terrible denunciation, but if superficially read, might be considered complimentary. The conclusion, typical of the whole, read:

> And finally, and this is written with a deep dislike for many things that Curley does, if the citizens of Boston were wise enough to pay a salary of $100,000 a year to a mayor and free him from all personal financial ambition, from importunate hordes of supporters who demand their perquisites, from the necessity of forming a personal machine to forward his political desires, from the temptation to punish people who disagree with him, then James M. Curley would be an admirable choice. He would do the job

right and earn his big salary many times over. It would be a ten-strike for the city, for Curley has the type of brains that Boston needs.

But democracies are seldom so wise.

With consummate daring, Curley's managers took this article entire, added to it a letter, purporting to be written by Mrs. Curley, and made that their chief campaign circular. Curley, himself, was a host. In his speeches and statements he fully earned the characterization "peerless in promising, master of misrepresentation and adept in the art of personal abuse." He seemingly cared nothing for accuracy or truth in his statements, if only they were strikingly dramatic. He laid great stress upon his pledge of an immediate return to five cent street car fares although he knew it to be impossible because the labor cost alone was greater. The climax of his campaign came the Saturday night before election in a most perfectly staged rally where enthusiasm was unbounded and which many think actually turned the scale in his favor, for he was elected by a plurality of 2,470 votes.

His second administration was like the latter part of his first and he left to his successor a financial situation which necessitates a drastic increase in taxes, and a badly demoralized personnel, with few able department heads.

CRUEL IN PUNISHMENT—ADMIRED FOR AUDACITY

Curley, the man, recalls Dr. Jekyll and Mr. Hyde. He can be charming or devastating almost at will. When matters are going smoothly, or on formal public occasions, with his magnetism, his broad knowledge of affairs, his remarkable speaking voice, he is not merely impressive, but interesting and convincing. But when crossed or annoyed (and despite all his years in politics, he is very proud and correspondingly thin-skinned) the veneer of culture cracks. Then he becomes the raging, vindictive, cruel tiger of Tammany symbolism, snarling insults, flinging out cheap taunts and billingsgate and crushing all whom his claws or fangs can reach. Men of standing will not accept posts as department heads under him because with rare exceptions he tyrannizes over them so, even in *minutiæ*. The lesser employees were in constant dread of incurring his displeasure because one of his worst traits is the savage, unrelenting vindictiveness with which he punishes even the humblest who offend him.

Although from and of the "gang," he has the vision and breadth to grasp new "highbrow" ideas and the courage to push them, as, for example, in his support of city planning and zoning. He also has supported vigorously other ideas with great advertising value, such as recreational facilities and preventive health work, while the care of municipal wards was sadly neglected and the punitive phases of health work were sharply restricted. He has always been ready to spend money, but other things being equal, was ready to raise it by sound financial methods and to spend it on objects with artistic value as well as on purely utilitarian objects. One who has had ample chance to observe him closely said that after himself and his family, he really loves Boston.

Many in Boston admire him and enjoy him for his audacity, the manner in which he assails other leaders, and his powerful oratory. It is doubtful whether many love him. It is certain that many hate and fear him. One sinister fact is noticeable that the intimate friends of one political fight are rarely with him in the next. Yet,

such is his capacity to attract a new following that the gaps have always been filled. He has developed to a high degree the art of dramatizing himself and his acts. When he is campaigning or in office the City Hall reporters are seldom without a story, and he revels in newspaper controversy with his ready pen and biting sarcasm. It would seem from the decisive margin by which he was defeated for governor in 1924, that his field of operations is limited to Boston. Perhaps his day is over there, too, but current opinion seems to be that he was not greatly disappointed that his affable but weak henchman, Glynn, was defeated last November because it will make his own re-election in 1929 all the easier and Boston is unlikely to select two Good Government Association candidates in succession.

Curley has made his mark on Boston's life. On the material side there are many things to his credit. On the spiritual side his family life is admirable, but in its public aspects the debit balance on this side is heavy, for, while diverting his fellow citizens, he has perverted their political ethics and debased their standards of public morals and public service. The price is high for the good he has done and is not yet fully paid.

THE USE OF THE RECALL IN AMERICAN CITIES

BY J. OTIS GARBER
University of Toledo

It is very doubtful if there have been more than 120 municipal recall elections in the 1500 cities in which the right of recall exists. :: ::

SINCE the introduction of the recall in Los Angeles in 1903 by Dr. John R. Haynes, it has spread over practically the entire United States. There are now fifteen states[1] which extend its use to all cities within their borders and twenty-three states[2] which provide for the recall in certain cities. There are 820 cities of over 2,500 population in the general recall states and 136 cities in the other states which are known to have provisions for the recall. In all probability, if all cities having this instrument were known, the total would be about 1500.

To what extent have these cities made use of this control over their public officers? Several partial surveys have been made, but none of them covers the field except in a very limited sense.[3] To gain a more ade-

[1] General recall states by constitutional provision are: Arizona, California, Colorado, Idaho, Kansas, Louisiana, Michigan, Nevada, North Dakota, Oregon, Washington, Wisconsin. In addition Illinois, Mississippi, and Missouri provide for the recall by general law.

[2] The ten states which make no provision for the recall in any city are: Alabama, Delaware, Indiana, Kentucky, Maryland, New York, Pennsylvania, Rhode Island, Utah, and Vermont.

[3] Cf. NATIONAL MUNICIPAL REVIEW, III, 695—"Municipal Initiative, Referendum, and Recall in Practice," by Dr. Charles F. Taylor. *Ibid.*, I, 586—"The Actual Workings of the Initiative, Referendum, and Recall," by Dr. John R. Haynes. *Ibid.*, V, 380—"Some Recent Uses of the Recall," by Stuart Fitzpatrick.

quate idea of what use is being made of the recall, the present survey was undertaken. It is realized that it is still incomplete, and any additions or corrections will be welcomed by the writer.

SMALL NUMBER OF ELECTIONS AND SMALLER NUMBER OF RECALLS

In order to get a fair sample of the workings of the recall, questionnaires were sent to all city-manager cities which were known to have provision for the recall in their charters—149 in all. Replies were received from 121 cities. In these cities there have been only twenty-seven attempts, distributed among twenty-four cities, to use the recall. On seven occasions the petitions were insufficient, and so there was no election. In ten cities thirteen recall elections failed to recall the officers voted on. In seven other cities seven elections resulted in the actual recall of officials.

The writer found record in magazine files of some fifty-five cities which had used the recall. Questionnaires were sent out to these cities, and forty replies were received. From all these data the accompanying table of statistics was made. It covers a total of 100 attempted recalls in twenty-nine states from Maine to California, and is believed to be fairly representative, if not complete.

Where elections were held, exactly half were successful in recalling the officials. This would seem to follow the general law of averages, and needs little comment. The most significant thing is not the percentage of recalls to the elections held, but the small number of elections in proportion to the cities known to have the recall. Of the 956 cities known to have this instrument, we have record of only seventy-two which have had elections, only thirty-six of which have been successful in recalling officers. It is very doubtful if there have been more than 120 actual recall elections in cities. Assuming that there are 1500 municipalities having provision for it, and that 120 have used it, this is only 8 per cent and in only 4 per cent have the elections resulted in successful recalls.

Certainly the recall has not been abused by overuse. And its value lies not so much in its use but in its existence.[4] It is a "big stick" to be kept handy behind the door to inspire the wholesome respect of the public official. On the whole, observers believe that its use has been justified, although there are a few instances where it has been manipulated by politicians for partisan motives. One city official very pertinently pointed out that its greatest value lies in the fact that it gives the public a sense of confidence in itself. The people feel that at any time they can "turn the rascals out" if they misbehave in office. This psychological effect is often overlooked. The self-confidence of the public in its ability to control public officers is one of the necessary factors for the healthy existence of a democracy.

[4] Many times the mere threat of recall has had the desired effect. In 1920 at a joint meeting of the Toledo luncheon clubs, Mayor Schreiber was threatened with recall unless he removed the safety director, who was considered to be too lax in dealing with the crime situation. The move was successful, and George P. Greenhalgh, the choice of the protesting group, was installed as the new director.

TABLE OF RECALLS

Covering 100 cases in forty of the fifty-five cities which have used, or have attempted to use, the recall.

State and City	Petition Failed	Election Failed	Successful Recall
* Alabama			
Mobile		1	
California			
Bakersfield		1	
Colton		1	1
Long Beach			1
Los Angeles	2		1
Oakland	1	2	
Richmond		2	
Riverside			1
San Bernardino		1	1
San Diego			1
San Francisco	1		3
San Jose	1		
Santa Cruz			1
Tulare		1	
Vallejo	1		
Visalia			1
Colorado			
Colorado Springs	1	1	
Denver		1	
Connecticut			
Stratford			1
Georgia			
Atlanta		1	
Illinois			
Springfield	1		
Waukegon		1	
Iowa			
Marshalltown	1		
Sioux City		1	
Kansas			
Cherryville	1		
Hayes	1		
Lawrence		1	
Pratt		1	
Salina	1		
Wichita			1
Louisiana			
Shreveport			1
Maine			
Portland			1
Massachusetts			
Boston		2	
Lawrence			1
Mansfield		2	
Salem			1
Michigan			
Albion	1		
Bay City			1
Kalamazoo		2	
Munising			1
Pontiac		1	
Minnesota			
Morris		1	
Missouri			
Joplin			1
Nebraska			
Nebraska City			1
New Jersey			
Long Branch	1		
Wildwood			1
New Mexico			
Alberquerque		1	
North Carolina			
Charlotte		1	
North Dakota			
Mandan	1		
Minot			2
Ohio			
Sandusky	1		
Oklahoma			
Ardmore			1
Bartlesville	1		
Duncan		1	
Guthrie	2		
Oklahoma City	2		
Oregon			
Junction City			1
Portland			1
South Carolina			
Beaufort		1	
Columbia	2		
South Dakota			
Aberdeen		1	
Huron		1	
Rapid City		1	
Sioux Falls		1	1
Tennessee			
Nashville		1	
Texas			
Dallas		2	2
Virginia			
Norfolk	1		
Portsmouth		1	
Wisconsin			
Janesville	1		
Superior		1	
Washington			
Escatada			1
Everett			1
Hoquiam			1
Seattle			1
Tacoma	2		2
Walla Walla	1		
Total	28	36	36

* The supreme court of Alabama declared the recall unconstitutional.

THE PRESENT TAX SITUATION IN OHIO[1]

BY ROBERT A. TAFT

Ohio is gradually escaping from the shackles of the Smith One Per Cent Law, but still has lost ground to recover. Tax limits do not enforce economy. :: :: :: :: :: :: :: :: ::

THE state government of Ohio is entirely supported by indirect taxation on corporations, franchises, utilities and automobiles. The support of any government is always a problem, but in the case of the Ohio state government it is not one of great difficulty. The real problems of taxation in Ohio relate far more to local taxation, that is the method of raising money to support the local governments, such as cities, school districts, counties and townships. These districts are supported almost entirely by the general property tax, on land, buildings, and all other forms of property, a tax which has never been wholly satisfactory and gives rise to very serious problems.

EVILS OF THE UNIFORM RULE

These local tax problems in Ohio today are divided generally in two main classes. The first relates to the problem of "classification," or the method of taxing intangible property such as stocks, bonds, accounts and deposits. Under the Ohio constitution, all property must be taxed by a uniform rule, which means that intangible property must be taxed at about 2 per cent of its value, the rate required from real estate. Experience has proved that it is impossible to tax intangible property at this rate, and the only result of the constitutional rule is that practically no taxes are collected from intangible property, leaving the burden to fall almost entirely on real estate. There is a constant tendency to drive the liquid intangible property out of the state to other states where no such tax is levied. Realizing these disadvantages, the different organized groups in the state, including those representing the real estate boards and the farmers, co-operated in submitting an amendment to the constitution last November authorizing the legislature to devise other means of taxing intangible property, which would make such property pay a fair tax and yet bear in the aggregate a larger share of the tax burden.

Unfortunately this amendment was defeated at the polls largely through the general ignorance which prevails on questions of taxation. Similar amendments have been frequently submitted before, and for one reason or another have always been defeated. But the amendment should be submitted again as soon as possible and sooner or later is certain of success. As long as the uniform rule remains in the constitution of Ohio, it is impossible to have a modern or efficient system of taxation. Since the uniform rule is a part of the constitution, the legislature has no power to make any change in its provisions, until the constitution itself is changed.

TAX LIMITS DO NOT COMPEL ECONOMY

There is another problem, however, more serious if anything than that of classification, to which the legislature is endeavoring to find a solution. It relates to the tax and debt limitation systems of the cities, schools, counties and other local governments of Ohio.

[1] Reprinted from the *Ohio Woman Voter*.

It is the problem of supporting these governments and at the same time compelling economy in their expenditures; the same problem with which President Coolidge has been struggling at Washington. Difficult as this job is in the national government, yet that government is centralized and subject to one executive head. It is far more difficult by general legislation to compel economy in five thousand independent taxing districts scattered throughout the length and breadth of the State of Ohio.

Most students of taxation believe that the only way to compel economy is to make local officers responsible for the tax rate of their own district, permit economy to become a political issue and solve high taxes by voting out the people who have caused them. The people of Ohio, however, are committed to a policy of economy controlled by legislation. The Smith One Per Cent Law aimed at economy by imposing a limitation on the taxes which could be raised in every district in the state, and efforts to make any substantial change in the principle of that law have been unavailing. A tax limitation system imposing a combined limitation on the taxes which may be levied on any property by city, school, county and township is a determined policy of the policy of the people of Ohio which as a practical matter cannot be changed. It is almost equally impossible to change the 15 mill, or $1\frac{1}{2}$ per cent, limitation for ordinary expenses of government. This is true although the Smith Law wholly failed in its purpose of holding taxes down by a limitation on taxes.

WHY THE SMITH LAW FAILED

The reason for this failure is not hard to seek. The limitation of taxes is a result of the limitation of expenses, not the cause. The reason the federal government is able to reduce taxes is because it has first reduced expenses. The Smith Law failed because it attempted to limit taxes without directly limiting expenses. Money for government may be obtained in two ways, either by taxation, or by the incurring of indebtedness. The Smith Law while limiting taxation, left the local districts free to borrow money (1) by formal bond issues or (2) more easily and simply by running into debt. The districts did not limit their expenses; they borrowed the money to pay them. Sooner or later these bonds and this debt have to be paid. Once the money is spent, the damage is done. The local governments must pay their debts and sooner or later the taxes have been increased in order to enable them to do so. The people cannot have new buildings and new services without in the end paying for them.

The Smith Law attempted to limit bond indebtedness by including the levies required to pay the interest on bonds and pay off the bonds within a general tax limitation. The result was that as the bonds took more and more of the taxes, less and less remained for current operating expenses. It is hard for officials to worry about the difficulties of their successors, and the effect on future current expenses imposed almost no check on the issue of bonds. Schools were closed, cities became bankrupt, and, of course, the legislature was finally obliged to make exceptions to the limitation laws to permit current operation. Taxes increased gradually to a higher rate than they would have reached without any limitation at all. The legislature had to pass many laws permitting current unfunded indebtedness to be funded into long term bond issues. The whole proceeding showed the entire futility of attempting to limit expenses simply by limitation on taxation.

The problem which has been before

the legislature for the last four years is to work out an efficient method of limiting expenses which will make the tax limitation law mean what it says. The first step was to limit the issue of bonds, not by tax limitation on the money needed to pay off the bonds but by limitation on the amount of the bonds themselves. The passage of the Griswold Law in 1921 was the first step in this direction. Other laws have followed limiting the bonds that may be issued without vote of the people both in county, school and city. There is still work to be done in eliminating special legislation permitting bond issues without vote of the people such as the law which authorizes the state health department to require the issue of bonds by cities to build sewers, whether the people are in favor of such expenditure or not.

KRUEGER BILL RELAXES LIMITS

The legislature in 1925 also passed the Krueger Bill requiring the people if they desire a bond issue, to vote at the same time an extra levy of taxes outside of the current expense limitation to pay the interest on and pay off that bond issue. This means that in the end 15 mills will be left for current expenses which will probably be sufficient to insure at least the operation in an economical manner of all taxing districts in the state. But there are some serious situations resulting from past policy in this regard. Thus in Allen county out of the 15 mills allowed for current operating $8\frac{1}{2}$ mills are required for sinking fund and interest levies on bonds, leaving in the city of Lima only $6\frac{1}{2}$ mills for county, schools and city. After the schools and city have their share, the county is left absolutely without operating funds. At the recent special session the legislature passed a law permitting the people of Lima to put $4\frac{1}{2}$ mills of these levies outside of the 15 mill limitation on petition of a majority of the voters, leaving enough money within the limit for necessary expense. All the worst situations in the state result from difficulties of this character, which will be fully cleared up when the Krueger Bill takes complete effect.

It is necessary, however, not only to limit the borrowing of money on bonds but the practice current throughout the state of spending more money each year than the taxes provide. At the end of the year the city, school or county is in debt. The following year it is still deeper in debt, and so on until in some cases, as in Gallia and Belmont counties, the entire tax revenues of one year are required to pay last year's debts. The Budget Law has made it appear that even in the counties, which were supposed to be more prosperous than schools or cites, over forty-four counties have operating deficits at the end of the year 1925. To stop this running into debt the legislature in 1925, passed the Vorys Budget Law providing briefly that an official estimate be made of the total available revenues of each city, school and county, that the district be prohibited from appropriating more than this official estimate, and that the clerk or treasurer, be required to certify against each expenditure that it does not exceed the money available in the treasury to pay it. This law absolutely requires the different districts to live within their income.

TO FORCE BALANCED BUDGET

No single principle is more important in government finance than the budget principle enforcing a pay-as-you-go policy. There has been some outcry against the Budget Law because the auditors are made personally responsible if they permit the expenditure of county money which is not available. But without teeth the Budget Law will be wholly ineffective. A similar law has been on the books for many years

unobserved because of the lack of any penalty. There are no doubt many minor changes to be made in the Vorys Budget Law, but in general its principle must be adhered to if the Ohio principle of tax and expense limitation is to have any force whatever. The passage of this law is the most important step in government finance in Ohio since the passage of the Smith One Per Cent Law, and it is far sounder in principle than that law ever was. The operation of the Vorys Budget Law, however, revealed how far in debt many of the counties and other subdivisions had fallen. It was found that with these past debts hanging over their heads, many of the districts could not possibly keep within their revenues and operate at all. The law passed at the recent special session, therefore, provided that 1926 revenues could be applied to 1926 expenses, and past deficits which under the Budget Law cannot recur, can be spread over the next five years.

The legislature, furthermore, has made the limitation law more elastic by permitting the people of each district to vote whatever additional levies they desire to vote. In this manner the arbitrary state-wide limitation may be adapted to meet the needs of the particular district. The question of the distribution of money between cities, schools and county is also dealt with in the Dodd Law, but the complexities of this situation have increased so much by the passage of so many additional laws and exceptions to laws that the joint legislative committee on taxation is now preparing a complete revision of this matter of distribution to be presented to the legislature in 1927.

I think it is fair to state that no more complicated subject of legislation exists than the satisfactory working out of a tax and expense limitation system. The legislature has made substantial steps forward in the last five years. We hope that within a short time Ohio will have succeeded in establishing a system which will actually be of value in securing economy in the operation of local governments and thereby reducing the very heavy burden of taxation.

NEW YORK STATE REORGANIZES

BY RICHARD S. CHILDS

Member of the Hughes Reorganization Commission

The story of how the Hughes Commission carried out the purposes of the reorganization amendment by consolidating one hundred eighty odd agencies into eighteen administrative departments. Its recommendations were accepted by the legislature and will go into effect in January, 1927.

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In 1909, when Charles E. Hughes was governor, New York was the scene of the first skirmishes on behalf of the short ballot. It was then a new idea and Mr. Hughes shared with Woodrow Wilson the distinction of being among the first public men of importance to accord recognition to the new doctrine. It found its way into governor's messages and party platforms after that but no legislation was passed.

In 1915 came the constitutional convention dominated by Elihu Root, Stimson, Wickersham and similar leading Republicans who put the short ballot idea into their new constitution,

which, however, was defeated at the polls.

In 1919 Governor Alfred E. Smith created a commission on reconstruction. It had no very clear mission and roved around aimlessly for a while, finally, however, settling down to a survey of the state government. It counted up 187 scattered bureaus, offices and commissions and drew plans of reorganization.

THE CONSTITUTIONAL AMENDMENT

Not much could be done, however, under the limitations of the constitution, for not only was there the usual list of independently elective offices which have bedeviled reorganization in other states but some important appointive offices were constitutional too. A sweeping constitutional amendment representing, I feel, more real information than the current legislation, was drafted and, despite the good Republican traditions of its short ballot feature, was defeated or studiously neglected in several subsequent sessions of the legislature by Republican votes. However, it was finally submitted in 1925 and adopted by the people.

The amendment is long enough to set the framework, leaving to legislation only a mass of detail. It swept away the elective officers except the attorney general and comptroller. The former should have been made appointive, but this was a concession to the politicians. The comptroller, formerly a very powerful administrative officer, was reduced by the amendment to simply an auditor. Two constitutional appointive officers, the superintendent of public works and the superintendent of state prisons, were swept out of their constitutional anchorages, as were also sundry land and canal boards.

Having thus washed the slate, the amendment with admirable sure-footedness outlined the new organization calling for twenty departments or less, namely: (1) executive (the governor's own staff); (2) audit and control (the elective comptroller); (3) taxation and finance; (4) law (the elective attorney general); (5) (secretary of) state; (6) public works (to absorb the previously elective state engineer and the canal board); (7) architecture (the office of the state architect); (8) conservation, relating to the Adirondack forest reserves, state parks and water power; (9) agriculture and markets (to which a clumsy arrangement of control by a council was left permissive as a concession to vociferous farming groups); (10) labor; (11) education (to remain governed by the board of regents, an organization of high traditions which is elected by the legislature); (12) health; (13) mental hygiene; (14) charities; (15) correction; (16) public service (the public service commission); (17) banking; (18) insurance; (19) civil service (the civil service commission); (20) military and naval affairs. No new departments may be created hereafter, and any new offices or institutions created in the future must be put under one or the other of these departments. Overlapping of inspection of institutions was stopped by distributing to the departments of charities, mental hygiene and correction, clarified jurisdictions. Advice and consent of the senate was required to the governor's appointment of all the department heads.

THE HUGHES COMMISSION CREATED

Recognizing that the assignment of bureaus to the appropriate departments and the setting up of departmental powers was a task that might be badly jangled in the hurly-burly of a legislative session, Governor Smith asked the 1925 legislature, which was of opposing political complexion, for an

official commission and an appropriation to prepare the legislation to put the amendment into effect. His request was refused. He then determined to create an unofficial commission and to ask ex-Governor Hughes to head it. When this became known, the legislative leaders hastily published a list of members of a commission of their own choosing and recommended to these members that they choose ex-Speaker Machold as chairman. The governor made the best of the situation by accepting it philosophically and asking for the privilege of adding a few members to it, which was granted, but not all his nominees were confirmed by the legislative leaders. The latter, I am told, lost their own list and had to get it from the newspapers when they came to send out belated letters notifying their appointees, and as they made no provision for receiving the acceptances, which were sent to various persons and addresses, when the commission met its roster was a bit uncertain.

The membership of the commission was not greatly different from what the governor would have appointed, and included the numerous eminent figures of the state that naturally belonged thereon. Opposition to Mr. Machold as chairman easily found eminent spokesmen and Mr. Hughes consented to be a rival nominee, whereupon the little plot collapsed. Mr. Machold himself nominated Mr. Hughes and one of the legislative leaders, joining the acclaim said, "The thought that Mr. Hughes might be our chairman was beyond our dreams." Which, in a sense, was true.

As the commission numbered about sixty, an executive committee of fifteen committee-chairmen chosen by Mr. Hughes did practically all the work and held long eight-hour sessions on Saturday afternoons at the Bar Association in New York city. They worked without funds or staff, and there was no field work and no hearings. Their information was such as the committee chairmen could find time to pick up by informal personal contacts with public officials. It was curious to see how much ignorance of the state's mechanism the four ex-governors in the group could confess to, and one of the best laughs came when Mr. Hughes, after denouncing the uselessness of the board of embalming examiners, was informed that it was created during his own governorship. Except in a few spots, however, the task was not difficult and the method, while laborious, did work after a fashion.

PUBLIC WELFARE BOARDS GIVE MOST TROUBLE

The chief trouble-point was the handling of the numerous hospital boards, reformatory boards, park commissions and other unpaid groups of philanthropic volunteers most of which were rendering valuable and devoted service to the various state institutions. Appointed in rotation by the governor for long terms, these volunteers had run their institutions in entire independence, except that they had to permit inspection by a state board now and then and had to get their annual appropriation from the legislature. They were usually free of politics or partisan motives, intent on their own local work and on getting money for enlarging and improving it. They feared Albany as a source of politics and did not like to be brought under the supervision and control of a possibly political department head. This point was compromised. The department head was given power to appoint the superintendent of the institution with the consent of the local board. The superintendent must thus serve two masters, and the respective func-

tions of the head of the department and the board are not defined. In practice it is probable that the department head will gradually grow at the expense of the boards which will eventually become in fact boards of visitors (their new name) instead of boards of managers (their old name). But there may be numerous struggles first.

LAYOUT IS LOGICAL

Otherwise the new layout is logical and straightforward and exceptionally free from any concessions to expediency that were not inherited with the amendment itself. Single department heads are created with salaries fixed uniformly at $12,000 although the positions vary rather widely in importance. Their terms run to the end of the governor's term and the governor can remove. The governor's salary is only $10,000 and his term is only two years, but a constitutional amendment to rectify both is in prospect. Department heads are given liberal powers to govern their departments with authority to consolidate and abolish offices.

The Commission used authority in the amendment to consolidate two of the departments mentioned therein. "Architecture" was combined with "the department of public works" and "military and naval affairs" was incorporated in the "executive" department. The legislation thus provides eighteen departments instead of the expected twenty.

The novel feature of the New York reorganization is the executive department. There is no such department in other state consolidations. Obviously the head of this should be the governor himself, but here was found a curious defect in the amendment which failed to except this from the requirement that its management must be vested in a head appointed by the governor with the consent of the senate. Such a head, the governor's secretary at $12,000, is therefore provided. The department has five divisions, budget, military and naval affairs, standards and purchase, inter-departmental relations and state police.

The secretary of state's department was the repository of things that did not seem to belong anywhere else and in addition to the usual duties of such officers acquired oversight of notaries, licenses of many sorts, the Board of Port Wardens, horse racing and prize fighting.

The department of public works is a big one with charge of canals, highways, public works, engineering and the state architect. The state architect carries with him into this department the bureau of housing and regional planning and the bureau of fine arts.

Several departments, public service, labor and taxation and finance, have commissions of three or five at their heads, but in each case a departmental executive chairman is provided and the other commission members are restricted to their quasi-judicial functions.

The amendment itself broke up the old organization for budget making, the so-called board of estimate, and a proposal for a clear-cut executive budget system was recommended by the commission to buttress its provision for a budget bureau in the governor's department. In similar fashion the amendment made impossible the continuance of other independent inter-departmental, ex-officio boards of the past and excluded legislative members as well as the comptroller from administrative functions altogether.

An interesting array of legal decisions will doubtless develop over the meaning of the new constitutional word "head" of a department. The neck and nervous system that connects

the head to some of the departmental activities, particularly volunteer boards, is rather tenuous. Is the commissioner of conservation sufficiently the "head" of the council of parks, for example, when he merely sits as its chairman and can be outvoted on important policies by men who were separately appointed by the governor?

The governor will make direct appointments of unpaid boards in many departments wthout necessarily consulting the department head. It was the Hughes Commission's feeling that such boards preferred to receive their appointments directly from the governor as a matter of dignity, and the federal practice whereby the president makes many appointments under the cabinet secretaries was cited in support of this illogical arrangement. It was not applied to single paid officers, however.

MINOR ELECTIVE OFFICES SUCCESSFULLY DISPOSED OF

To sum up, New York has done a good job going beyond other states, Tennessee excepted, in getting most of the minor elective offices into the new appointive system. The concessions from logical perfection to local expediency can be counted on the fingers —the leaving of the attorney general elective, retaining the council as head of the department of farms and markets, retaining partial and undefined authority in the boards of visitors of institutions, retaining some unpaid commissions and boards that might have been consolidated. Such concessions were to honestly held opinion or old and honored traditions. Devoted men and women, the finest in the state, who have served many years without pay on separate little islands of power, operating hospitals, parks or reformatories, await now with natural fears the long reach of administrative fingers from far-away political Albany. They should, however, find that they have a friend at court in their department head and that they can secure attention at Albany where formerly there was none. Or if to protect their cherished institutions they have to improve Albany, the whole state will benefit.

[NOTE.—The New York reorganization is not embodied in a single law or administrative code but is scattered among about thirty amendments to various existing laws. When the bills are given their final number for the sessions laws, the list will be published in the REVIEW (July issue). ED.]

HOW CITIES CAN CONTROL THE SMOKE NUISANCE

BY H. B. MELLER[1]

Chief Bureau of Smoke Regulation, Pittsburgh

If you knew Pittsburgh fifteen years ago and have visited it lately you have discovered that they are solving the smoke problem. Mr. Meller says that smoke emission, regulated by law, has decreased 80 per cent in this period. Now is the time for cities to get busy on smoke prevention for next winter. :: :: :: :: :: :: :: ::

THE suppression of dense smoke, which results from incomplete combustion of fuel, has been a matter of interest for more than a century. It was not until comparatively a few years ago, however, that systematic efforts were made in a few—too few—of our cities to control the evil. In 1912–13 the Mellon Institute of Industrial Research made a survey of Pittsburgh, which resulted in an anti-smoke ordinance being passed in that city *and enforced.* A number of other American cities have passed, some before and some since that time, ordinances similar in a general way, but those that have been continuously and effectively in operation since their passage probably could be numbered on the fingers of one hand.

Every winter the interest quickens, partly because of the large addition to the smoke cloud due to emanations from the chimneys of private houses, and partly, perhaps, because it is during the wintertime that the average committee is more active. Every winter, then, committees from all kinds of civic organizations and from many cities (often the same cities year after year, and often cities having an ineffectual anti-smoke ordinance on their books), will inquire "what can we do to be clean"; but by the time a real program can be mapped out, along comes spring, the heating boilers are shut down for the season, and committee members begin to think of their summer vacations. Sporadic efforts of this kind never have and never will produce results. In a few cases the interested ones have held on until they secured the passage of a new ordinance or the amendment of one already in existence but thought to be inadequate. During the recent anthracite strike, the substitution of other fuels for anthracite in furnaces not designed to burn such substitutes, caused eastern cities like New York and Boston to realize what a smoke nuisance may be and to look for a remedy. However, most of the interest in the matter seems to have died since the resumption of work in the anthracite mines.

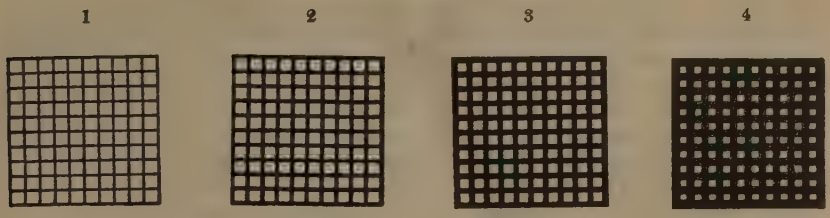
THERE IS A REMEDY

There is a remedy for the community which is annoyed (to put it mildly) with dense smoke. It is "A reasonable anti-smoke ordinance, properly enforced." The experience of cities like Pittsburgh, Chicago, Cincinnati and others in the "soft coal" area has

[1] Bureau Chief, Bureau of Smoke Regulation, City of Pittsburgh; associated with Mellon Institute of Industrial Research in Air Pollution investigations; consulting engineer. Formerly Dean of the School of Mines, University of Pittsburgh.

shown that the relief from a situation which approaches the unbearable is in direct proportion to (a) the fairness and reasonableness of the anti-smoke ordinance; (b) freedom from the harmful influence of politics in its enforcement; (c) the technical training and experience of the officer in charge of enforcement and his ability to secure the *active* co-operation of plant owners and operators whose fuel-burning equipment comes under his supervision; and (d) the facilities given the enforcement officer in the way of a fair budget and properly trained assistants. Let us analyze these four requirements:

RINGLEMANN SMOKE CHART



Instructions for Use of Ringlemann Chart

Place the above chart sufficient distance from the eye to cause the lines to merge similar to appearance of smoke. Compare with the density of the smoke under observation. Ordinances usually provide penalties for the production or emission of smoke equal to, or of greater density than, scale number three (3) of the Ringlemann Chart. The lines of the chart will merge at from fifteen to twenty feet from the eye.

A FAIR AND REASONABLE ANTI-SMOKE ORDINANCE

Local conditions may make advisable minor differences, but in the main all cities are alike in their needs. So there should be three principal sections in the ordinance:

(1) *Prohibition.* Dense smoke, *i.e.*, smoke exceeding a certain density, emitted for more than a limited period, should be prohibited. The density usually is stated in terms of the Ringlemann chart devised by the United States bureau of mines, and the line drawn at no. 3 (60 per cent black). This means that anything less than 60 per cent black is permissible, as well as a limited volume of that or greater density. It may seem that the allowance is excessive, but experience has proven that, considering the present state of development of the art of fuel burning, it is about right. Where the higher volatile fuels are burned, a closer limit than this would result in an inability to enforce the ordinance. And one of the points about which care should be exercised is not to have in the ordinance any provision which cannot be enforced. The limit of time for permissible 60 per cent black smoke varies somewhat. In Pittsburgh and some other cities it is "less than two minutes in any period of fifteen minutes" for stacks of stationary boilers and "less than one minute in any period of eight minutes" for locomotives and

steamboats. In some cities up to six or eight minutes in an hour is allowed. In my opinion, the provision of the Pittsburgh ordinance is better, because, first, an inspector can cover more ground and observe more stacks, thus returning more for the salary paid him, and second, a great many plants would be subject to correction under the Pittsburgh ordinance that perhaps would not be violators under the longer allowable period.

Some cities (including Pittsburgh) exempt private dwellings and the smaller flats or apartment houses. Such an exemption is all right for cities where the domestic fuel is gas, but all wrong where solid fuel, especially bituminous coal, is used. For the amount of fuel burned, the domestic chimney is many times more offensive than the industrial plant. And there are very many more of them.

(2) *Permission to Install and to Use Fuel-Burning Equipment.* This is easily the most important section of the ordinance and requires experience and judgment for its proper enforcement.

Before a boiler, furnace, or fuel-burning apparatus of any kind may be installed, altered or repaired, the owner or operator should be required to submit an application, giving complete information as to the character, size, arrangement and proposed use of such apparatus and to secure a permit to install, alter or repair. All plans for new buildings should be submitted and checked for proper stack sizes before a building permit is issued.

With such provisions, it is possible to know that the equipment and arrangement are such that the designated fuel (usually bituminous coal in this section) can be used without the necessity of making excessive smoke.

(3) *Penalty.* A penalty should be prescribed for violation of any provision of the ordinance. While such a section is necessary, it will be found that it need not often be used. In case of ordinary violations, investigation will indicate the remedies necessary and the average operator found perfectly willing to apply them.

FREEDOM FROM HARMFUL INFLUENCE OF POLITICS

This would seem so evidently necessary that comment scarcely is needed. Of course, if an enforcement officer is to be told what he may or may not do, or that anyone is to be excused from compliance with the law, it will be impossible properly to enforce the ordinance. It was not, however, this type of interference I had in mind, but rather the case where a violator may get friends, whom he believes to have influence with the administration, to endeavor to persuade the enforcement officer to be extra-lenient.

TRAINING AND EXPERIENCE OF ENFORCEMENT OFFICER

The person entrusted with the enforcement of the ordinance should be a technically trained engineer, experienced in the work of smoke abatement. He should also, it goes without saying, possess judgment and tact, as it is just as easy, in a critical case, to antagonize a plant owner as it is to secure his cooperation. The right man is not too easy to find, nor will he be attracted by the salary usually offered. But a proper administration will return good dividends in the way of cleaner air and better health for the community.

FACILITIES FOR ENFORCEMENT

I know of no city that has an adequate force of smoke inspectors. Of course, with so many calls upon it for money, a city council must apportion the available funds as it thinks best,

and the prevailing opinion as to the character of work which a smoke inspector is expected to do is largely responsible for the comparatively small amounts we find assigned to smoke abatement. No city has done anywhere near what is possible in the cleaning-up process, and no city will until there is much closer supervision of the stacks—which means enough inspectors.

Given a fair ordinance and proper facilities for enforcing its provisions, there is not a city, large or small, where the smoke nuisance cannot be abated. What the exact figures for other cities may be I do not know, but a survey by the Mellon Institute of Industrial Research, made in 1923–24, indicated that in Pittsburgh, smoke prohibited by law had decreased approximately 80 per cent since 1912–13, when the first survey was made. And this was done without, so far as we know, driving a single industry out of the city. And as a rule it resulted in a material saving in the cost for fuel.

WHY HAVE SO MANY CITIES FAILED TO ACT?

But, if the problem seems comparatively simple in solution, why have so many cities failed to pass anti-smoke ordinances; and why, in some cities having such ordinances, has there been either a complete or partial failure to secure results?

I have visited many cities in the interest of smoke abatement, usually at the invitation of the chamber of commerce, a civic club or a group of engineers, and have found always that the group was in earnest, but usually was looking for a simple prescription which would, overnight almost, miraculously wipe out the black clouds of smoke which were marring their beautiful city. When I would tell them that there was a prescription, but by no means as simple as they thought, and give the ingredients: (1) a reasonable ordinance; (2) a qualified officer with enough assistance; (3) active interest of the manufacturers and interested contractors and engineers, and (4) interest of the politicians in the proper enforcement of the ordinance, often the enthusiasm waned. Recently, in reply to a direct question as to my opinion as to what would be the cost of cleaning up a city which has had an ordinance for the past ten years, I mentioned $50,000 and a year's time in this particular case as necessary to institute a workable program, to make a survey of every industrial plant in the city to determine where and what changes should be made, and to provide methods of abating the smoke from private dwellings as well as public and semi-public buildings during the heating season. I was told that council never would appropriate such a sum. Of course it would not, unless it were shown that the public wanted it and that it would save to the citizens many times the amount needed.

A couple of years ago, I was asked to visit a city in the middle west, a city where there was considerable agitation against smoke. The newspapers conducted a splendid campaign, members of the chamber of commerce were active and they intended doing something. At a public meeting in the evening there were present the lieutenant-governor of the state, the mayor of the city and his cabinet, members of council, professional and business men. There was a great deal of enthusiasm, but apparently a *desire* rather than a *determination* to do the necessary things. I told the audience what I thought they should do, and what I thought they would do, which was not what they said they intended to do. In about a year I re-

ceived a request from the chairman of another committee for a copy of the Pittsburgh ordinance and such other information as it was usual to send in reply to inquiries of this character. Apparently the first group had allowed the interest to die and another was attempting to resurrect it.

In many cases, committees have done excellent work collecting data and formulating plans. Sometimes ordinances have been passed and enforcement officers appointed; sometimes they got only part way with it; sometimes there have been so many public hearings and other delays that the proposed ordinance died in committee—of old age. In any event, it is the exception rather than the rule that the public agitation is followed by the passage and successful enforcement of a real anti-smoke ordinance.

BENEFITS MUST BE UNDERSTOOD

And why? Because of a lack of general understanding of the benefits to be derived. There are two groups that must be educated to the advantages of smoke abatement before anything real can be accomplished; they are the business men of the city and the legislative and administrative branches of the city government. As I talk with business men who are not accustomed to working under an ordinance such as we have in a few—very few—cities, there seems to be in their minds an uncertainty as to what it might mean to them individually. They feel that if a regulating ordinance is passed, they may be required to spend considerable money in altering or replacing equipment which, to them, seems quite satisfactory. Consequently, the average plant owner is reluctant to change from the known to what is to him the untried. Such an attitude is not warranted by the facts. A reasonable ordinance, intelligently enforced, while requiring that all new fuel-burning equipment be such as can be operated within the prescribed limits, will not insist upon wholesale alterations, involving expense without return. Such changes in old plants as will mean improvement at little cost are to be expected, and usually show a saving in fuel. As a matter of fact, the change from a poorly set, smoky furnace, to one which will meet the requirements of a fair ordinance, means an average saving of somewhere near 20 per cent in the fuel bill—not to speak of the saving effected through the elimination of the polluting clouds of dense smoke.

As to city councils, they will pass an ordinance when they think most of the people want it.

WHY A GOOD ORDINANCE MAY BRING POOR RESULTS

It sometimes happens that, with an ordinance in effect, the anticipated improvement in conditions is not shown. This probably is due to one or more of the following reasons:

The ordinance may not have the support of the right groups, viz., the plant owners, architects, engineers, contractors, etc.—those best qualified to know if its provisions are fair and its enforcement just.

The enforcement officer may not be the man for the job. Consider that the boilers and furnaces in a large city represent a value of many millions of dollars; that the difference between proper and improper equipment (from the standpoint of efficiency in combustion) means comparatively little in first cost, but considerable in economy of operation, as well as in air pollution and its resultant evils; that the average citizen does not want maliciously to pollute the air, and that he does want to get the greatest return he can for

the money he spends for equipment and fuel. Can rules be made or constructive criticism, suggestion or advice given by one not thoroughly experienced in combustion? Most anti-smoke ordinances prescribe that the one in charge of enforcement shall be a technically trained engineer. That is good as far as it goes; but the engineer should have had training in combustion—and by that I mean not only that he should know the theory, but the practical side of smoke prevention; otherwise such advice as he may give may have little real value (for he is the citizens' consulting engineer, as well as a court in cases of differences of opinion as to whether or not a plant, existing or proposed, is of a proper type), and he will be constrained to hide behind a code of rules the value of which varies with every advance in the art of combustion.

He must, as has been said, possess judgment and tact, because it will be his duty to meet and convince all classes of owners, from the one having a small heating boiler and knowing little about the burning of fuel—knowing only that he has been asked to correct a condition which he does not believe harmful—to the head of a large corporation, having at his call a staff of trained engineers to advise him whether or not the suggestions or requests made are fair, and necessary in the interest of smoke abatement. So the person appointed to enforce the ordinance may be an engineer, but unless he has had actual experience in smoke abatement, he must learn it before he can expect to meet the demands that will be made upon him. A corporation employs a lawyer, not only because he is a lawyer, but because he is a specialist in corporation law. The analogy ends here, however, because the corporation is willing to pay adequately for the services of the specialist it needs—the municipality is not.

Another reason for failure is inadequacy of support:

(a) On the part of the city. As I have said, I know of no large city that has a sufficient number of inspectors. Under present conditions, if an inspector can get over every part of his territory once a week, he is doing fairly well. Obviously, if a small force can do much to benefit the condition, a larger one, within reason, of course, could be expected to do much more. Then, too, there are cities in which the officer in charge of smoke abatement is also the building inspector, the boiler inspector or something else.

(b) On the part of the public. Perhaps enough has been said about this. Let me add, however, that in most cases with which I am familiar, the groups interested in smoke abatement do not act concertedly, so that much of their effort is dissipated.

A PRACTICAL PROGRAM

Having said that dense smoke in the volumes objected to is unnecessary; that smoke abatement is practicable and returns a good rate of interest; that some cities have been successful in minimizing this phase of air pollution, but that no city has done nearly as much as could or should be done, it remains to offer a practical program for the community having a smoke nuisance, or, if not having it now, desiring to prevent its possibility. This program, covering what experience has taught is essential, is:

(1) Pass a reasonable ordinance. Include nothing that cannot be enforced consistently.

(2) Secure an engineer experienced in smoke abatement to start the work, even if later a change is made. He can train the man intended to be the permanent incumbent.

(3) Provide for sufficient assistance.

(4) Make a complete survey of the plants in the city. The data obtained will be sufficient to allow proper recommendations to be made in each case where correction is necessary. While often the correction will involve some expense, there will be many cases in which it will be necessary only to make a change in fuel or in the method of firing.

(5) Of course, all new work and all repairs and alterations will be regulated.

In ordinary cases, the survey can be completed in about six months, depending, of course, upon the facilities afforded the engineer. The result will be that the city will know just what should be done to existing plants and each owner will know what he ought to do to operate within the new law. A survey of this character will save much time and later friction, as it will give results in a year that normally would require ten years to secure.

Smoke abatement is an established fact. Where it has failed completely or partially, it is because it has not been properly planned or carried out.

RISING COST OF STATE GOVERNMENT

POPULAR THEORIES VERSUS FISCAL FACTS

BY CLARENCE HEER

The popular theory that state governments are indulging in orgies of spending does not square with the facts. The author here analyzes New York state expenditures from 1917 to 1923. He reduces the 1923 expenditures to the price level of 1917 and finds that 44 per cent of the increase is due to higher prices of services and materials which the state buys; 13 per cent is due to substitution of pay-as-you-go for borrowings; 23 per cent to unusual conditions over which the legislature had no control; only 20 per cent can be called optional, but even this portion went for purposes which no one can reasonably question. :: ::

For five years and more the country has been lectured and sermonized on the dire effects of high taxation and on the urgent need of reducing the volume of governmental expenditure. In these homilies the federal government under its present administration has been held forth as a bright and shining example. Since 1920 the ordinary expenditures of the national government have been practically cut in half. It is true that most of this reduction is properly attributable to the cessation of certain war-time activities, but a consideration such as this should not of course be allowed to detract from the wholesomeness of the example.

In view of the heroic efforts expended it is disheartening to observe that the campaign to reduce public expenditure has, up to the present at least, not met with the conspicuous degree of success which such a worthy enterprise would seem to deserve. In spite of newspaper editorials, radio talks and luncheon speakers, in spite also of the undeniable reduction in federal expenditure, the total cost of government in the United States has not been appreciably diminished. In fact, an estimate recently published by the National Industrial Conference Board indicates that the total volume of public expenditure, federal, state and local, was some 3 per cent greater in 1924 than in 1920 when the economy campaign may be said to have commenced officially.

Full blame for this regrettable outcome must be placed at the doors of state and local governmental authorities. If the salutary example of the federal government has influenced these authorities at all, it has apparently been merely for the purpose of pointing out more clearly the diametrically opposite course. Thus, during a period of generally falling prices, with economy and efficiency the watchwords in private business and with a "back to normalcy" movement in full swing, state and local governmental expenditures have advanced at a rate appropriate only to the days of the war.

Ed. Note.—This article is a synopsis of a monograph soon to be published by the National Institute of Public Administration, New York.

Anyone further interested in changing governmental costs is referred to the supplement to the March Review by William C. Beyer, entitled "Municipal Salaries Under the Changing Price Level."

According to the estimates of the research organization previously cited, the aggregate spendings of states and their subordinate political units were nearly three and one-fifth times as great in 1924 as they were in 1913. Figures compiled by the United States bureau of the census show that most of this increase occurred after and not before the close of the World War. Between 1919 and 1922, state expenditures exactly doubled and the governmental cost payments of 146 selected municipalities expanded by some 78 per cent. During this same three-year period wholesale commodity prices registered a decline of 28 per cent, the cost of living dropped 11 per cent and the ordinary expenditures of the national government were reduced by more than 80 per cent.

THE CHARGE OF EXTRAVAGANCE

The steadily mounting costs of states and municipalities bid fair to rob federal tax reduction of its intended beneficent results. It is only natural, therefore, that the conduct of these governments should have lately become the object of considerable attention and comment on the part of those who have the economic welfare of the nation at heart.

According to a point of view which finds frequent if not always temperate expression, the recent growth of state and local expenditure is due in the main to governmental waste and inefficiency. All governments, it is said, are from their very nature peculiarly prone to unwise expenditure and extravagance. In normal times these proclivities are somewhat inhibited by the necessity of maintaining the good will of a tax-paying electorate. During the recent war, however, all erstwhile inhibitions were broken down. The public became accustomed to the idea of governmental disbursements on a hitherto undreamed of scale and a new standard of expenditure was set up. State and municipal governments, so the argument runs, although they bore no share of the cost of the war, were nevertheless affected by the general war-time psychology and embarked on a reckless orgy of spending, the results of which are just coming to light.

As to the specific forms of extravagance of which state and local governments are accused, it is possible to mention only some of the more frequently iterated. It is said, for instance, that there have been large and unwarranted increases in the number of civil employees and that we are rapidly developing into a nation of bureaucrats.

Tax-free state and municipal bonds are made to bear a considerable share of blame. It is asserted that the extreme facility with which these bonds can be marketed by virtue of their tax exemption feature has acted as a constant incentive to extravagance. Public officials have not exerted themselves to keep current expenses from exceeding current revenues, since they have known that any deficits which might develop could be readily funded.

States and municipalities are further charged with embarking on ambitious construction projects, both untimely and ill conceived. Most of this construction, it is said, has been financed by means of tax-free bonds and the result is that the country is now saddled with interest and amortization charges on a vast accumulation of uneconomic debt.

Another factor which is frequently blamed for the recent increase in public expenditure is the alleged multiplication of the regulatory activities of the state. The rapid growth of these activities, it is claimed, has not only increased the burden of taxation but has at the same time hampered and

interfered with the free conduct of industry, thus threatening the source of taxation itself.

The theories just described are widely held and find support in authoritative places. They are especially dear to those whose economic philosophy is somewhat tinged with an anti-government bias. Obviously, the conclusion to which they point is that governmental activities should be curtailed or at least kept from expanding further. It is, therefore, of some importance to inquire whether the theories in question will stand the test of ascertainable fiscal facts.

GENERAL INDEX NUMBERS OF PRICES NOT APPLICABLE TO GOVERNMENT

The writer recently had occasion to make a detailed analysis of the post-war expansion in the expenditures of the state of New York. The results of this analysis, while not necessarily typical, nevertheless furnish an interesting objective test of the validity of the views which have just been set forth. Between the fiscal years 1917 and 1923, New York state's ordinary general budget expenditures, that is the expenditures which are met by current taxation, grew from $61,000,000 to $132,000,000 per annum. In other words, the cost of government increased by $71,000,000 or 118 per cent within the short space of six years. It was this increase which was subjected to investigation.

It is obvious that comparisons of governmental expenditure as between different periods of time can have little meaning unless due allowance is made for changes in the purchasing power of the dollar. The years which witnessed the recent sharp rise of governmental costs were characterized by a violent fluctuation of prices. Public expenditures were not exempt from the effects of this disturbance. *It is not proper to assume, however, that the prices paid by governments for the commodities and services required in the performance of their functions followed the same course as any of the general purpose index numbers commonly used to measure changes in purchasing power.* As is well known, monetary inflation affected individual prices in a very unequal manner. Moreover, governmental disbursements are for highly specialized purposes, salaries and wages representing their most important single element.

The analysis of the increase in the expenditures of New York state was accordingly based on a preliminary investigation of changes in prices and salary ratings applicable to the specific kinds of commodities which the state purchased and to the specific kinds of personal service rendered by state employees. An estimate was also made of the indirect effects of price inflation on such items of expenditure as interest and amortization charges and state subventions to local political units.

The data thus developed made it possible to equate all of the state's 1923 expenditures to terms of the 1917 price and salary level. It also became possible to differentiate between real elements of growth and merely nominal elements which were the result of price inflation.

Real items of increase were next subjected to various tests to determine whether or not they could be considered legitimate. The real increase in the operating costs of state prisons, hospitals and charitable institutions was compared with the increase in the number of inmates to be maintained. The real increase in expenditures for education was measured against the growth of school population and the need for new school facilities arising out of the deficiency created by the

war. The real growth of highway maintenance costs was considered in connection with such significant factors as the number of miles of highway to be maintained, the volume of highway traffic and the number of miles of highway which had reached or were approaching the end of their economic life. In short, wherever it was possible to do so, increases in expenditure were matched against quantitative measures of performance or need. Elements of increase which could not be accounted for on the above basis were further investigated for the purpose of determining whether they represented the cost of new state services, qualitative improvements in pre-existing services, or waste and inefficiency.

POPULAR EXPLANATIONS OF INCREASED TAXES MISTAKEN

The results of the investigation revealed the essential absurdity as regards New York state at least of most of the popular explanations of the late expansion of governmental costs. It was not necessary to fall back on the hypothesis of waste and extravagance to account for the doubling of the state's budget between 1917 and 1923. As a matter of fact with all expenditures equated to dollars of uniform value, it became apparent that in certain respects the state government had gained in efficiency. Thus in terms of 1917 purchasing power, printing costs had been reduced by approximately 55 per cent. Traveling allowances for state officers and employees also showed a substantial reduction. In general, however, the field for economies such as these was rather limited.

There appeared to be no indication that the state's expenses had been swollen by unwarranted increases in the number of state employees. On the contrary, during most of the period under review it was difficult to maintain an adequate personnel owing to the great disparity between salaries paid by the state and those prevailing in private business. The average increase in the salaries of state employees as between 1915 and 1923 was only 41 per cent. During the same period salaries of office workers in privately owned factories within the state increased 63 per cent, the average earnings of factory wage workers increased 112 per cent, while the cost of living registered a rise of 64 per cent.

The investigation indicated clearly that over-ambitious building and construction programs had not been a factor in bringing about the increase in costs. A measure of the actual physical volume of construction over a period of fifteen years was obtained by reducing all capital expenditures to a common price level. Considering projects financed through the sale of bonds as well as those paid for by current taxation, it developed that the total volume of construction applicable to 1923 was 25 per cent less than that of 1917 and 70 per cent less than that of 1914. Moreover in no year subsequent to 1917 had the annual volume of construction ever equalled or exceeded that of any of the eight years from 1909 to 1916.

It was further shown beyond the possibility of doubt that the post-war rise in the cost of government in New York state was in no way connected with the too liberal issuance of tax-free bonds. During the entire six-year period under review, the state sold only $32,000,000 of bonds which represented less than a quarter of the amount sold during the four years from 1914 to 1917. A progressive decline in the proportion of capital outlays financed from bond proceeds was apparent. Indeed one of the most important reasons for the increase in the state's ordinary budget

expenditures as between 1917 and 1923 was the fact that the state paid for 73 per cent of its construction projects out of tax revenues in 1923, whereas in 1917 only 12 per cent were financed in that manner.

Finally there appeared to be no reasonable basis for attaching peculiar significance to the expansion of the state's regulatory activities. The cost of these activities in 1923 amounted to less than 4 per cent of the total cost of government for that year. Moreover, regulatory activities absorbed a smaller proportion of the taxpayer's dollar in 1923 than was the case in 1917.

THE REAL CAUSES OF INCREASED EXPENDITURES

What, then, were the real reasons for the extraordinary growth in New York state's expenditure as between 1917 and 1923? The most important single factor was price inflation. Owing to the advance of wages and price of commodities which the state buys, the state tax dollar was worth only 65 cents in 1923 in terms of its pre-war value. In comparison with its value in 1917, the 1923 tax dollar was worth no more than 76 cents. On the basis of an estimate which, if anything, is too conservative, it may safely be said that 44 per cent of the total increase between 1917 and 1923 in the cost of running the state government was due to price inflation.

Another important factor was the more extensive reliance placed upon current revenues for the financing of capital outlays. About 13 per cent of the total increase under investigation may be imputed to this shift from a credit to a pay-as-you-go basis in the matter of paying for public improvements.

The increases attributable respectively to price inflation and the pay-as-you-go policy of financing capital outlays may be described as purely nominal since they did not involve any real increase in the commodities and services which the state consumed. It is significant that these nominal elements account for nearly three-fifths of the total increase under consideration.

Approximately another fifth of the total comprises what may be described as compulsory additions to the state's costs since they were imposed by developments and conditions over which the state had no control. During the period under review, the population of the state increased by 8 per cent. There was a growth of 20 per cent in average school attendance and the inmate population of state prisons, hospitals and charitable institutions increased by 10 per cent. The number of motor vehicles using the state highways approximately tripled and there was a substantial increase in the mileage of roads which had reached or were approaching their limit of economic life. An abnormal situation existed as a result of the war. Sick and disabled veterans were not adequately provided for by the federal government and the state had to come to their aid. Moreover, there had been a partial suspension of construction and maintenance activities during some of the war years and the resulting deficiencies had to be made up. Finally new revenues were required to meet the rapid rise of expenditures and the collection of these revenues entailed additional expense.

The developments enumerated above called for a higher level of expenditure which the state could not have avoided without lowering its standards of service. It is difficult to estimate the aggregate amount of compulsory increases since they are not always separable from increases in respect of which the state might have exercised some option. Nevertheless it is prob-

ably conservative to say that they account for about 23 per cent of the total growth of expenditure between 1917 and 1923. Nearly two-thirds of the aggregate increase classified as compulsory applies to state aid in support of local education and represents the state's share of the additional cost entailed by the growth of school attendance and the necessity of making up for the falling off in school construction during the war.

ONLY ONE-FIFTH OF ADVANCES OPTIONAL

Four-fifths of the total advance in New York state's expenditure has now been reviewed. The final fifth comprises the cost of new state services and qualitative improvements in pre-existing services. Since this is the only portion of the increase in respect of which the state legislature might have exercised some option, it is important to know the purposes toward which it was applied. Somewhat less than half of it represents the estimated share assumed by the state in the cost of a more expensive kind of public school education. The remainder is accounted for by improvements in the highway and canal systems, the cost of a campaign to eradicate bovine tuberculosis, in order to insure a pure milk supply, and the organization of a state constabulary.

Measured in terms of 1917 dollars, the total optional additions to the state's budget as between 1917 and 1923 amount to less than $15,000,000. It is estimated that the aggregate private income of the inhabitants of the state increased by over $700,000,000 during the same period, this increase being also measured in 1917 dollars. In view of this fact, and in view also of the purposes toward which the optional increases were applied, it can scarcely be contended that they were extravagant.

ABSENT VOTING

WITH PARTICULAR REFERENCE TO OHIO'S EXPERIENCE

BY JAMES K. POLLOCK, JR.

What people use the absent voting privilege, and to what extent? Is the idea a success and can it be broadened? : : : : :

In the last few years great efforts have been made to increase the number of voters. Interesting studies have also been made recently to ascertain, if possible, why so many qualified voters abstain from voting. These studies have indicated that a number of persons do not vote because they are absent from their voting precincts on election day. But prior to the collection of these data, many state legislatures had realized that large numbers of qualified voters were on this account denied the right to vote. Realizing the unfairness of depriving this class of voters of its right of suffrage, these legislatures proceeded to enact laws known as absent voting laws which permit the absent elector to cast a ballot even though he is away from his voting precinct. Beginning with the year 1913, a strong movement for absent voting legislation swept the country resulting in placing on the statute

books of forty-four of the forty-eight states, laws providing in different ways for voting in absentia.

At the present time (1926) there are only four states which are without absentee voting laws,[1] although three other states have laws which grant the absentee voting privilege to military men only.[2] Twenty-six states now permit qualified voters temporarily absent from their voting precincts, whether within or without the state, to vote at both primary and general elections.[3] In one state, West Virginia, the law requires the voter to be outside the state before he can vote an absent voter's ballot at either primary or general elections. In seven states absent voting is permitted at general elections only,[4] and again in eight states voters who are absent from their home precincts but who are not outside the state are permitted to vote absent voter's ballots.[5]

It is thus seen that the principle of absent voting is in wide practice, but like many other accepted principles of government we have had very little evdence of the practical results of its operation. Just as in the case of non-voting, one cannot generalize satisfactorily without the necessary statistical information. Fortunately figures of absent voting are obtainable which supply the necessary information, but thus far no state-wide survey has been made to ascertain the significance of the absent vote. Only a few isolated figures have appeared and these could not adequately measure the importance of this type of voting. The present study, although limited to one state, is of broad enough scope to be of value, even though it merely suggests similar surveys in other states.

[1] Connecticut, Kentucky, Pennsylvania, and South Carolina.

[2] Maryland, New Hampshire, and Rhode Island.

[3] Alabama, Arizona, California, Georgia, Idaho, Illinois, Indiana, Iowa, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

[4] Delaware, Kansas, Massachusetts, New Jersey, New York, Texas, and Utah.

[5] Arkansas, Colorado, Florida, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

OHIO STUDIED INTENSIVELY

For the purpose of this study, the state of Ohio has been used. The absent voting law of Ohio is similar to the laws in a majority of the states and therefore can be said to be typical. Ohio, like most of the states having absent voting laws, follows the plan by which the elector may secure his ballot from some local election official prior to election day. He may do so in person or through the mail. In addition, Ohio, being a doubtful state politically, and one of the best states in the percentage of votes cast to population, is favorable ground for such a survey. The voters of Ohio would thus be as likely to use their absent voting law as successfully as the voters in any other state.

The Ohio law provides that "it shall be lawful for any qualified elector who finds that he will be unavoidably absent from his home precinct on the day of any general, special or primary election to apply to the clerk of the board of deputy state supervisors of elections of his home county in writing or in person, not earlier than 30 days and not later than three days prior to election day . . . for an absent voter's ballot. After the clerk has satisfied himself that the applicant is a qualified voter . . . he shall deliver to such voter . . . one of the absent voter's ballots provided for such election, together with an identification envelope and a return envelope." The voter then takes the ballot to a notary public

and displays it as evidence that the same is unmarked, and in his presence but in such manner that the notary cannot see how he votes, he marks the ballot and encloses and seals it in the identification envelope. The voter then executes the affidavit printed on the face of the identification envelope, places it in the mailing envelope and sends it by registered mail to the board of elections of the home county of the voter. The ballot must be received by the county board in time to be delivered to the appropriate precinct to be counted on election day by the regularly constituted precinct officers. The absent voter's name is written on the pollng lists and checked on the registration lists and the ballot deposited in the box exactly as if the elector had voted in person. It is possible for the elector to mark his ballot at the office of the election board as well as in the presence of a notary. Any voter expecting to be absent on election day can thus, by appearing in person before the county board, vote before he leaves and does not need to have the ballot sent to him. There is no provision for sick electors.

The law was enacted in 1917 and has been used in four state-wide elections in a period of eight years. This seems to be a reasonable time in which to test its workings and to judge of its usefulness. This survey was conducted partly by means of personal investigation and partly by means of questionnaires.[6] There are eighty-eight counties in the state of Ohio, and in order to make a complete survey it was necessary to get in touch with the eighty-eight different boards of election in the counties of the state. This turned out to be a task of enormous proportions and even with the assistance of the secretary of state, it was found impossible to get the necessary information from seven of the counties. Fortunately these seven counties happen to be quite unimportant.

[6] I am greatly indebted to Mr. Richard L. Garnett of Ohio State University for assistance in the collection and collation of the figures given in the tables. Without his valued help it would have been impossible to complete the survey, so difficult is it to collect the information from the numerous boards of election. I also appreciate the assistance given by Mr. Thad Brown, the secretary of state, in collecting the figures from several delinquent counties.

THE FIGURES EXPLAINED

This study is based upon the figures for three general elections and three primary elections, viz., those of 1920, 1922 and 1924. The figures for the primary and election of 1918 are not given even though the law went into effect prior to the elections of that year. This omission is due to the fact that most of the records of 1918 have been destroyed, and to the second fact that the absent votes cast that year were largely soldier votes. Also, between the elections of 1918 and those of 1920, the nineteenth amendment to the federal constitution became effective and had the result of nearly doubling the electorate of the state. Hence nothing can be gained from the use of the few figures of 1918 that are available.

It was impossible to secure returns from all counties. In many the figures for previous elections had been destroyed or misplaced. In a few counties it was even found that records had not been kept. Nevertheless sufficient figures are available to make a very representative showing. To be exact, the figures given in Table I for the general election of 1920 come from 82 per cent of the counties of the state, counties which represent 83 per cent of the total vote of the state in that election; the figures for the general election of 1922 come from 85 per cent

of the counties of the state, counties which represent 85 per cent of the total vote of the state in that election; the figures for the general election of 1924 come from 92 per cent of the counties of the state, counties which represent 96 per cent of the total vote of the state in that election.

The figures for primary elections are not as complete for the state as a whole. However, the figures given in Table I for the August primary of 1920 come from 33 per cent of the counties of the state, counties which represent 30 per cent of the total vote of the state in that primary; the figures for the primary of 1922 come from 39 per cent of the counties of the state, counties which represent 40 per cent of the total vote of the state in that primary; and the figures for the August primary of 1924 come from 43 per cent of the counties of the state, counties which represent 43 per cent of the total vote of the state in that primary.

It seems quite clear that complete figures, if they could be obtained, would not substantially affect the results shown in the tables below. This is the case because the present figures are very representative of the state as a whole. They were obtained from all parts of the state, from rural counties as well as urban counties, and additions from more rural counties and from more urban counties would only serve to increase the totals without materially affecting the percentages. This was made evident as the figures were being collected. With only 20 counties reporting, the percentages were nearly the same as they were with 35 counties reporting. When 60 counties had reported the percentage of the absent vote to the total vote was not widely different from the percentage obtained from the returns from 35 counties. And finally when 81 counties had reported figures for the 1924 election, the percentage was almost the same as the percentage for 60 counties. Thus even though complete figures were not obtainable, it is possible accurately to measure the significance of the absent vote and to discover whether it is of increasing importance or whether the device is being gradually forgotten together with other progressive measures of two decades ago.

The following summary table shows the total number of votes cast, the number of absent votes cast, and the ratio of the latter to the former in those counties which reported the results of the primary and general elections of 1920, 1922 and 1924.

TABLE I

RECORD OF ABSENT VOTES CAST IN OHIO, 1920-1924

Year	Total Votes for Governor Reported in August Primaries	Absent Votes Reported in August Primaries	Percentage of Absent Votes to Total August Primaries	Total Votes for Governor Reported in November Elections	Absent Votes Reported in November Elections	Percentage of Absent Votes to Total in November Elections
1920	111,515[a]	1,040	.93	1,636,620[d]	14,766	.89
1922	2,86,713[b]	3,787	1.32	1,352,149[e]	14,363	1.05
1924	331,143[c]	5,118	1.54	1,893,779[f]	23,224	1.22

[a] Twenty-nine counties, casting 30% of state vote, reporting.
[b] Thirty-four counties, casting 40% of state vote, reporting.
[c] Thirty-eight counties, casting 43% of state vote, reporting.
[d] Seventy-two counties casting 83% of state vote, reporting.
[e] Seventy-five counties, casting 85% of state vote, reporting.
[f] Eighty-one counties, casting 96% of state vote, reporting.

DOES THE ABSENT VOTE AFFECT RESULTS?

No less than 23,224 absent voter's ballots were cast in Ohio in the general election of 1924. It is the almost universal opinion of election officials that 90 per cent of these votes would not have been cast if it had not been for the absent voting law. The absent voting law therefore tends to increase the percentage of the electorate which uses the franchise. Further, it is quite clear that the votes cast in absentia in Ohio have materially affected the results of numerous election contests. There is no doubt but that the politicians in the rural districts realize this, and consequently make a drive among the persons likely to be absent from their voting precincts on election day. It is partly due to a realization of the importance of the absent vote that rural counties show a higher percentage of voters using the absent voter's ballots than the urban counties. Naturally a few votes are more likely to affect an election in a small rural county than in a large city.

Clerks of election boards have occasionally volunteered the information that the absent voting population furnishes a good indication of the interest in the approaching election. It is possible, therefore, that the size of the absent vote will give the politicians an excellent indication for last minute drives. The assumption behind these statements is that the type of voter using the absent voter's ballot is representative of all the voters and reacts in the same way in which the whole state can be expected to react.

Numerous cases have been uncovered in which the deciding factor in the election was the absent voting population. Several election officials have resented this condition of affairs as smacking of absentee landlordism. The vote of vacationists in Florida or California, they say, should not be permitted to decide election contests in Ohio.

WHAT TYPE OF PERSON USES ABSENT VOTER'S BALLOT

In order more fully to realize the character of the absent vote in Ohio, it is necessary to analyze the available figures. What type of person uses the absent voter's ballot? What proportion of the vote is cast by men, and what proportion by women? Is there greater use made of the privilege in the rural or in the urban centers? Are the ballots voted mostly in the county before the voter goes away, or are more ballots mailed back to the election board?

First, as to the type of voter who uses the absent voter's ballot. Generally speaking it is the better element in the community which takes advantage of this privilege. State and federal officials take advantage of the absent voting law as regularly as any other group and in quite as large numbers. In 1924 there was a noticeable increase in the number of students voting by mail. A considerable number of teachers vote by mail and many professional and business men. A smaller number of traveling men than might be expected avail themselves of the privilege. Foreign-born scarcely ever are found in the lists of those who have received absent voter's ballots. In the November election of 1924 in Cuyahoga county, the county in which Cleveland is located, out of the 363 women who voted that year by absent voter's ballot, 277 or 76 per cent lived in the best residential districts. In the same election in Mahoning county, the county in which Youngstown is located, a county with a very large foreign population, there was only one foreign-born voter who used the absent voting

privilege. Not a single absent voter's ballot was used by the residents of East Youngstown, a village adjoining Youngstown where nearly the entire population is colored or foreign-born.

In 1920 in Franklin county, the county in which Columbus is located, only polls on election day. Table II based on figures in Franklin county, where the board of elections had carefully prepared and preserved the records, indicates to a limited extent the type of persons who vote absent voter's ballots.

TABLE II

CLASSIFICATION OF ABSENT BALLOTS WITH RESPECT TO POINT OF ORIGIN, SUGGESTING TYPES OF PERSONS AVAILING THEMSELVES OF ABSENT VOTING PRIVILEGE

Election	Total Absent Vote	Ballots from Washington, D. C.	Ballots from Resorts	Ballots from Hospitals	Per Cent from Washington	Per Cent from Resorts	Per Cent from Hospitals
November, 1920	286	106	16	1	37.0	5.5	0.4
August, 1922	908	49	40	2	5.4	4.4	2.2
November, 1922	977	110	14	2	11.0	1.4	0.2
August, 1924	961	21	26	1	2.2	2.7	0.1
November, 1924	1,397	126	52	21	9.0	3.7	1.5
Total	4,519	412	148	27	9.0	3.3	0.6

three naturalized citizens voted by absent ballots. One of these had resided in Ohio 61 years, another 30 years, and the other eight years. In the primaries, professional and office people on vacations use the privilege to a considerable extent. Even in the rural counties where there are fewer classes and a more homogeneous population, election officials indicate that it is the more intelligent voter who takes advantage of the opportunity afforded by the absent voting law. It seems quite clear, therefore, that absent voter's ballots represent a higher degree of intelligence than the general average of regular ballots voted at the

RELATIVE VOTES OF MEN AND WOMEN

Second, what proportion of the vote is cast by men and what proportion by women? The percentage could not be secured in every county but from reports from more than one-third of the counties it appears that about 65 per cent of the absent vote is cast by men. In the rural counties generally, the percentage is slightly greater in favor of the men and in the urban counties slightly less. In Cuyahoga county in the 1924 general election, however, 75.3 per cent of the total absent vote was cast by men. Table III, using five counties in different parts

TABLE III

PERCENTAGE OF ABSENT VOTES CAST BY MALES

County	Primaries			Elections		
	1920	1922	1924	1920	1922	1924
Clark	100	60	62	61	73	72
Fayette	100	57	66	50	53	65
Franklin	*	75	76	63	77	76
Mahoning	100	61	61	65	66	66
Montgomery	100	73	75	66	73	78

* Not reported.

of the state, with predominantly urban population, indicates in a fairly representative manner the distribution of the absent vote according to sex.

MORE USED IN RURAL COUNTIES

Third, it is clear that the law is used to a greater extent in the rural than in the urban counties. It is not likely that there are more persons away from their home precincts on election day in the rural counties than in the urban counties, and hence one wonders why the percentage should be larger in the country districts than in the cities. But such is certainly the case. Possibly the fact that with fewer voters in the country district it is possible for the party workers to know more exactly just where the voters expect to be on election day, accounts in part for the greater industry used by the politicians in the rural counties. A careful canvasser, however, in either a country district or a city district should discover the persons who expect to be away from home on election day, and urge them to use the absent voting law. But whatever the reason, the figures clearly indicate that the percentage which the absent vote bears to the total vote increases almost in proportion to the decrease in the density of population.

MAJORITY OF ABSENT VOTERS VOTE BY MAIL

Finally, an analysis of the records in the different counties brings out the fact that between 55 and 60 per cent of the absent voters return their ballots by mail, the remainder receive and vote their ballots in person at the offices of the county boards of election. There is a considerable variation from county to county. In five of the most populous counties of the state (Cuyahoga, Franklin, Hamilton, Mahoning, Montgomery), only 44 per cent of the voters sent in their ballots by mail, while in five of the least populous counties (Clermont, Harrison, Monroe, Morrow, and Union), 77 per cent of the voters mailed their ballots to the boards of election. This indicates that in the urban centers voters are more likely to vote their absent voter's ballots before they leave their precincts, rather than have the ballots sent to them to be mailed back when properly marked. One fact which is noticeable in every county is that the early voters voted by mail, while most of the later voters, those voting during the last ten days before the election, voted their ballots in person at the offices of the boards of election. The following table showing five representative urban

TABLE IV

PERCENTAGE OF ABSENT VOTE TO TOTAL VOTE CAST

	Primaries			Elections		
	1920	1922	1924	1920	1922	1924
Counties 100% rural	.94	1.14	.98	1.38	1.67	2.03
Counties 75% to 99% rural	.76	1.39	1.42	1.33	1.34	1.82
Counties 50% to 74% rural	.87	1.09	1.82	1.16	1.33	1.70
Counties 25% to 49% rural	.85	1.52	1.41	1.04	1.09	1.26
Counties less than 25% rural	1.16	1.44	1.35	.51	.64	.77
Percentage for all counties reporting	.93	1.32	1.54	.89	1.05	1.22

counties gives a good idea of the extent to which the absent voter's ballots are received and voted in person at the boards of election.

OPINIONS OF ELECTION OFFICIALS

Questionnaires were sent to each of the eighty-eight boards of election in the state and replies were received from fifty-two. From these replies it is clear that there is general satisfaction with the present law. Thirty-seven of the fifty-two counties replying to the question: "What is your opinion of the present law?" reported favorably. Ten counties reported unfavorably and five counties urged a repeal of the law.

It is interesting to point out how the different counties react to the present law. Of the eight most populous counties in the state, only one, Summit, reported unfavorably. The five counties urging repeal of the law are predominantly rural. Of the ten counties reporting unfavorably about the law, only two of them, Summit and Tuscarawas, are predominantly urban, the other eight being overwhelmingly rural, three of them being 100 per cent rural.

Several typical replies from the clerks of the boards of election indicate the prevailing attitude toward the law. One clerk writes as follows: "I am of the opinion that an absent voter's law is of considerable value to the voters. It is being used by increasing numbers each year in this county and while it adds greatly to the cost and work of conducting an election it is a convenience to the voters. I think that its usefulness has been clearly demonstrated, at least it has been in this county." Another says: "In my opinion the absent voter's law in Ohio is justified. I think it a mighty good thing that voters can exercise this right without the necessity of their being home on election day. Especially is this true of school teachers. Many voters who come to me for this purpose express their satisfaction with the law. I think it both practical and effective." Another clerk says: "The number of voters availing themselves of this privilege certainly justifies the law. Several years' experience shows that the law is entirely practical. Probably ninety per cent of the voters availing themselves of this privilege would otherwise fail to vote." Still another clerk says: "We have no criticism to make of the law and believe it is working satisfactorily with us as we hear of no objections or complaints." Another clerk says: "I believe the absent voter's law is one of the best laws in the election code as it gives thousands of voters of the state

TABLE V

PERCENTAGE OF ABSENT VOTERS RECEIVING AND VOTING BALLOTS IN PERSON BEFORE BOARDS OF ELECTION

County	Primaries			Elections		
	1920	1922	1924	1920	1922	1924
Clark	74	78	79	54	48	61
Fayette	50	71	86	32	30	36
Franklin	*	74	89	34	70	66
Mahoning	95	89	91	51	56	59
Montgomery	92	28	81	42	*	52

* Not reported.

who have been deprived of their right to vote by reason of being absent from their places of voting on election day an opportunity to vote without being compelled to return to their homes to exercise that privilege. If the letter of the law is carried out, it safeguards the vote of the elector just as much as though he voted in person at his polling place. It is unfortunate that due to lack of knowledge of the provisions of the law or indifference more persons do not take advantage of its provisions."

The following opinions come from clerks who take an unfavorable attitude toward the law. They are, however, not representative of the prevailing opinion in the state. One clerk says: "In my judgment the present absent voter's law of this state is used by too many persons for the sake of convenience to them in their vacations and other affairs. Too many people take advantage of the law for the purpose of accommodating themselves rather than taking the attitude that the law was designed for voters who were unavoidably absent from their precincts. As a consequence it is impractical. The person who actually requires the use of the law cannot use it because of the requirements in obtaining the ballot. Usually such cases are emergency calls and require quick action." The election board of another county gives this opinion: "Members of the board think that the absent voter's law is being abused in some instances. Voters have begun to take advantage of its convenience in some cases where they are not unavoidably prevented from voting at the regular voting places on election day. We have had instances where a number of voters have been conducted to the clerk's office by the candidate and voted under the absent voter's law when it has been impossible to strictly enforce all the safeguards that are thrown around a regular voting place." Another clerk said: "The law is a nuisance. Repeal it."

Occasionally one meets with the objection that the law is being abused by the political bosses. This complaint comes mostly from the rural counties where there have been several cases of fraud. Some persons object to political organizations inducing persons to use the absent voter's privilege, but why this should be considered objectionable is not evident. Political organizations spend most of their time on election day getting out the vote, and it should be their privilege as well as their duty to get out the absent vote as well. Another complaint which has more validity is that a number of voters who are only a comparatively small distance from their voting precincts on election day apply for absent voter's ballots. Most of these voters could get to the polls with very little inconvenience and vote personally at their voting precincts.

FRAUD IS RARE

The very nature of the law makes it liable to abuse. Unless boards of election administer the law carefully, there may be fraud. Fortunately instances of fraud are very rare, and not of great importance. In the large centers of population where one might expect the law to be abused, it is found that the law has actually reduced fraud. The Ohio law is a very broad one and does not restrict the use of the privilege to those persons who are bona fide absent from their voting precincts because of business reasons. Some have raised the question as to whether vacationists should be given the privilege. However, very few persons administering the law would change it in this respect. They feel that no reasonable line can be drawn between those

absent on business and those absent for pleasure.

Quite generally it is observable that little is done to make the voter acquainted with the provisions of the law. Comparatively few persons know that an absent voting law exists. Thousands of voters who could take advantage of its provisions are unaware of its existence. It might well be required of boards of election that they make some sort of public notice apprising the voters of their privileges in this matter. At least the boards could advise the newspapers to carry information about absent voting. In the large cities this is done, but it does not nearly reach all the people who are entitled to vote while absent from home.

Very few of the persons to whom absent voter's ballots are sent fail to return them. The number of regulations which the voter has to comply with in order to vote in absentia, does not seem to deter him from using the privilege. Many clerks of election boards say that there is too much red tape, but what most of them mean is that they are required to take unusual precautions to preserve the secrecy of the ballot, and not that there are so many detailed provisions in the law that the voter hesitates to take the trouble necessary to cast his vote by mail. It is interesting to find that many persons at great distances from home write for absent ballots. Naval officers on the high seas have been known to do so.

IMPROVEMENTS ARE POSSIBLE

Even though there is general satisfaction with the present law, there are a number of changes which might bring improvement in its operation. In the eight years during which the law has been in effect, certain defects have appeared which might easily be remedied. For instance, complaint is made that the law is unnecessarily complicated—that there is "too much red tape." It is possible to simplify the forms that are used, especially the identification envelope. One election board was in favor of eliminating several of the forms in use, but this does not seem the safe thing to do. An absent voter's law is always liable to abuse, and there might very well be an excess of caution rather than extreme simplification.

One abuse which has appeared in many parts of the state is a tendency for persons to apply for absent voter's ballots when they actually do not intend to be absent from their voting precincts or at least from the city, on election day. The law is entirely too liberal in this respect. As long as a person is outside his voting precinct, even in another part of the city or county, he can receive an absent voter's ballot. This seems to be unnecessarily convenient. In order to register by mail in Ohio one has to be "more than fifty miles" distant from the city in which one expects to vote, and has to make an oath to this effect. Such a requirement might well be made in the absent voter's law. At least the law should require an oath to the effect that the person believes that he will be unavoidably absent from the county. At present an applicant merely has to state that he will be unavoidably absent from his home precinct, and no oath is necessary.

It has also been suggested that absent voter's ballots should be received a few days sooner than at present, that is, that the time limit for their receipt should be changed from three to six days before the day of the election. At present any ballot received before the close of the polls is counted. Several clerks feel that this causes unnecessary work for the boards of election. It is true that additional

trouble is caused by the receipt of ballots at a late hour, but it would hardly be proper to require the absent voter to send his vote in so far ahead of the election. The law goes far enough now when it requires applications for absent voter's ballots to be made not less than three days before the election. This prevents a last minute rush on the boards of election when they are busy with the preparations for the election.

Two possible safeguards might be added if it is thought that the law is not adequate in this respect already. One would be to have the chief deputy of the county as well as the clerk pass on the applications for absent voter's ballots. The other would be to allow the precinct officials to reject the ballot of any absent voter presented to them if they are of the opinion that the person is not a legal voter in the precinct in which they are officiating.

The most important change urged by boards of election is one permitting sick electors, present in their home precinct, to vote a ballot within the same period now prescribed for absent voters. Under the law at present a man cannot receive the benefit of an absent voter's ballot unless he is in a hospital outside his precinct. Thus a man ill but too poor to obtain hospital attention cannot profit from the law. This appears to be an unfair distinction. There is no reason why a person absent from the polls on a vacation or on business has a better claim to the absent voting privilege than the person who is ill at home.

SUMMARY

To summarize, this state-wide survey of absent voting in Ohio demonstrates that an increasing number of persons are taking advantage of the absent voting privilege. In the 1920 general election .89 of one per cent of the total vote was cast by absent voters. In 1922 the percentage had risen to 1.05 per cent of the total vote, while in 1924 the percentage rose to 1.22 per cent of the total vote. This increase in the number of persons using the absent voting privilege is encouraging. Of course one per cent of the total vote is not a very significant figure, but it is large enough to justify the continuance of the law.

The present law is not subject to serious criticism. It is on the whole a good law. A few minor changes and one major change to enlarge its scope to include sick electors, would probably make it even a better and a fairer law. There is general satisfaction with the law and clear evidence that it is a great convenience to the voters. At present the more intelligent persons take advantage of its provisions. The law thus increases the size of the total vote by including a desirable portion of the citizenry which would otherwise be excluded from influence. Too little effort is put forth to advertise the existence of the absent voting privilege.

RECENT BOOKS AND PUBLICATIONS

PUBLIC UTILITIES AND THE LAW. By William W. Wherry, Jr. New York: The Writers Publishing Co., 1925. Pp. xi, 337.

Condensed within the compass of a small volume the author has presented a pretty comprehensive survey of the problems involved in rate making by public utilities. The work may well be called a "desk book for business men and executives." Particularly useful are his discussions of the indeterminate permit and of certificates of convenience and necessity, and his draft of a proposed public utility law.

The views expressed and the theories urged are such as are to be expected from a fair-minded public utility man, who recognizes the truth, too often forgotten or denied, that the public will not be well served, nor the utility owners well rewarded, unless each is actuated by a willingness to be fair to the other. The point of view of the book is that of the utility. Without any intent to forget the paramount rights of the public, and with a willingness to consider those rights, it is still apparent that the writer is not concerning himself primarily with the interests of the public. On the other hand he shows no disposition to deny or override those interests.

On the matter of valuation he stands four square for giving the utility the full advantage of the rise in prices of labor and materials since 1914, or as an alternative, the benefit of the decrease in the value of the dollar. He urges that only so can an easy flow of capital to build and maintain the utilities be assured. He has no room for the prudent investment theory of fixing the rate base. In a period of rising prices and falling dollars such as we have had since 1893 this should encourage a flow of capital. We have been so long on this incline that most writers seem to have assured themselves there never again can be a serious decline in prices. History tells a different story, and how a flow of capital could be secured if instead of a 50 per cent rise there should be a 50 per cent fall in prices is a serious problem. Under any theory of valuation a flow of capital is easy in a period of high prices. The difficult task is to secure capital when prices are going down. One may be permitted to believe that most investors in stocks, and all investors in bonds, of public utilities are more strongly attracted by safety than by possible speculative gains. If the public, who are now looked to for the capital needed in public utilities, were reasonably sure of a fair return on the number of dollars they invested in public utilities and had reasonable assurance that they could get back the same number of dollars if they desired to cash in, it is a fair guess there would be little trouble to secure the needed flow of capital. So far the courts on the whole have steered a middle course, and there is now more than ever a strenuous effort to bring them over to the position taken in this book. If and when prices drop there will be a different story.

The author's attack on the commissioners constituting the public utility commissions seems far from fair-minded or justified. No doubt there have been many commissioners and possibly some commissions guilty of the charges of unfairness, lack of ability and political dishonesty contained in his indictment. On the other hand there is abundant evidence that in some cases the trouble has been that the utilities have manipulated and controlled the commissions in disregard of the rights of the public. The reviewer believes that both these cases are exceptional. One cannot read the opinions of the commissions with an open mind and not be impressed that taken by and large the commissioners are fully as able and as fair-minded as the judges on the bench. This has more than once been recognized by the opinions of the courts, and not infrequently it seems fairly clear that the judge passing on the work of the commission has not done well in substituting his judgment, on a matter in which he has had little training or experience, for that of the commissioners who by long practice have become experts.

The author, too, is much exercised at the law's delays and the denials of justice to the utilities. He does not note that the public suffers even more in this respect, and especially he overlooks the fact that the case of the utility is usually thoroughly worked up and presented to the commissions and the courts by the ablest specialists, while that of the public is often pitiably mishandled by men with little or no training in that field of practice. If a lawyer, engineer or accountant does show distinguished ability in be-

half of the public he is almost certain immediately to be offered employment by the utilities. This is one of the serious difficulties of the situation, and it is the public and not the utilities that suffered most.

Certainly, one encouraging sign is an increasing recognition of the economic, social and political fact that the true interest of the public and of the utilities lies in a fair-minded treatment of each by the other, and the author is to be commended for showing this spirit in his discussions. As a clear statement in small compass of the fundamentals of our present-day public utility problems, by a man who writes out of much experience, the book is a real contribution.

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MANUAL OF ACCOUNTING AND REPORTING FOR THE OPERATING SERVICES OF THE NATIONAL GOVERNMENT. By Henry P. Seidemann. Baltimore: The Johns Hopkins Press, 1926. Pp. XXII, 399.

A comprehensive treatment of an accounting system for the national government as a whole would be as bold an undertaking as any in accounting literature. Indeed, if a work should merely state the problems of fiscal administration of the national government, although only in so far as they deal with financial transactions, it would be of commanding importance in the field of literature on government administration.

This book, which is published by the Institute for Government Research, does not attempt such a comprehensive treatment of the subject. It is announced in the preface that a subsequent volume is in preparation which will deal with the problem of "central accounting and reporting of the national government." The present volume is confined mainly to the presentation of a uniform system of recording and reporting transactions for certain of the spending agencies of the government—the "operating services." Each of these services is viewed as an independent accounting unit, and as in fact possessing financial autonomy. The author views each service as the proprietor of the assets which circumstances require that it administer—the accounts receivable it is to collect for the government, the funds transferred to its custody, and the physical properties purchased for its use or committed to its care.

Through a "balance sheet," a distinct financial condition for each service is expressed. In this statement the assets under the administration or custody of any service, the unexpended balances of appropriations made to it, and the obligations incurred under the authority delegated to it, are interpreted as "what a department or bureau owns, what is due it, and what it owes." This statement finally shows a "current surplus" and "fixed capital surplus" for the respective departments and bureaus. This same form of interpretation is carried into the analysis of financial operations. We find there "gifts" and "sales" to and from other departments and bureaus, while depreciation on fixed assets is charged against the various activities. The classification of expenditures follows that which has generally been proposed in municipal accounting, namely, according to appropriations, organization units, activities (or functions), character, and objects.

Appropriations to the services are interpreted as "funds" which have as resources the cash balances received by the services on account of the respective appropriations or awaiting transfer from the treasury department, and of accounts receivable that operate to the credit of unexpended balances of appropriations.

In most of these important particulars, the book opposes in principle and interpretation Francis Oakey's *Principles of Government Accounting and Reporting*, an earlier publication of the Institute for Government Research. Mr. Seidemann, however, voices two principles embodied in Mr. Oakey's work, the importance of which warrants their reiteration here. Briefly they are: (1) the financial information to be produced should be the basis in any accounting system for the system of accounts and records; and (2) such information should be limited to that which is essential to administrative action.

With the application of the first principle in the present volume, the author has arranged his material in a sequential order that makes the development of the system presented comparatively simple to follow. Thus the book proceeds definitely and explicitly, step by step from the statements to the ledgers and then to the books of original entry. Those of us who disagree with his other principles and interpretations can only accept the challenge to apply ours in an equally difficult situation.

The procedure with respect to documents—that is, disbursement vouchers, bills, and so

forth—receive only incidental attention in the book, and thus the important subject of auditing control over individual transactions is largely omitted. The book includes an informative explanation of the federal budget procedure, analysis of typical transactions, charts of accounts, pro forma classifications of expenditures, and an exposition of "machine accounting" or the use of mechanical devices for recording and compiling. The preface mentions that the author had the assistance of other members of the Institute's staff, including John Payne, A. L. Peterson, and Herbert Wilson.

William Watson.

Annual Report of the United States Civil Service Commission for the Fiscal Year Ending June 13, 1925. Pp. lxxiv, 168. Free on application to the Commission at Washington, D. C.

The federal service is so large that an official body like the United States civil service commission must of necessity exercise a high degree of selection in what it prints in its annual report. The commission on the whole, it must be said, has chosen wisely from among the many subjects that could be discussed with profit. Salient figures showing the size and growth of the service, the total appropriations and expenditures of the commission, the importance of personnel records, the nature and effect of the laws and rules giving preference to veterans, the place of women in the service, the practical working out of statutory provisions relating to the apportionment of appointments to the several states, the physical examination of those appointed, investigations as to political activities and assessments, and other personnel matters are all discussed; sometimes so briefly as to spur the curiosity of the reader, and sometimes in such detail as to tax his patience.

Except for a few incidental references, the commission has omitted any discussion of the personnel classification act and its administration. This omission is significant and difficult to understand. For several years classification has been one of the mst important matters in the personnel administration of the federal service of the United States. It has caused many acrimonious discussions. The commission's representative on the Personnel Classification Board has played a creditable part under trying conditions and has consistently opposed what he believes to be flagrant violations of the personnel classification act, for which the representatives of the bureau of efficiency and the bureau of the budget have voted. Under the circumstances the reader is entitled to expect a vigorous discussion of classification and salary standardization in the one important document of the year coming from the body which is, or should be, able to discuss the question most intelligently and effectively.

The report contains a great deal of valuable information about personnel administration in the federal service which the average citizen should know. One cannot help but feel, however, that the commission has overlooked an important opportunity to present the issues involved and the importance to the service of the much discussed and widely misunderstood question of the classification and salary standardization of the federal service as provided under the terms of the personnel classification act.

Charles P. Messick.
New Jersey Civil Service Commission.

Organized Labor and the Law. By Alpheus T. Mason, Ph.D. Durham, N. C.: Duke University Press, 1925. Pp. 265.

In the midst of a confusion of argument for and against changes in labor legislation, it is refreshing to have such a concise, definite and accurate statement of the phases of labor law covered in Professor Mason's book. The author does not attempt to include the entire field of employment legislation, but centers his treatment upon certain rights of organized labor. Starting with the English statutes, the growth of the doctrine of criminal conspiracy and the doctrine of restraint of trade, he passes to the common law principles adopted in the United States, including those governing the right to combine, to strike, to picket and to boycott, and the bases of injunction writs in labor dispute.

Next he considers the federal trade laws as applied to labor organizations especially the Sherman and Clayton acts. This part of the book offers the fairest, clearest and most admirable statement of the legal principles involved and their application in recent decisions of the supreme court that has yet appeared. Next the author gives an especially interesting chapter on the suability of labor unions. Naturally attention is chiefly given to the decision in the first Coronado case. The valuable and interesting observations which Professor Mason makes upon this case are not affected by the decision in the

second Coronado case, rendered after the book went to press. The author thinks that by making the union liable to suit for damages, the supreme court removes a large part of the foundation for an injunction and thereby achieves one of the changes which organized labor has not long desired: viz., the limitation of restraining equity writs in labor cases.

Finally, in his conclusion, Dr. Mason summarizes in twelve pages the chief points of law which have developed by usage and statute over the entire period covered by the book, and shows in an interesting way the continuity of this development.

While the treatment is legal, it is none the less based upon a sympathetic social and economic viewpoint. The consequences to both the working and employing classes, of each important decision are clearly realized by the author as is also the fact that many of the changes, both in statute law and in its interpretation, represent the rise of a new class to political power. The author uses a clear and interesting style, and while he deals with matters of technical law, his treatment is readily followed by the layman or the student of economic and social problems. The book merits a wide circulation.

It may be hoped that in subsequent editions, the author will add another feature that would enhance the value of his treatment, viz., a descriptive note giving some of the practical circumstances under which the principal disputes have arisen, and the actual effects upon the parties at interest of the decisions rendered by the courts.

JAMES T. YOUNG.

Philadelphia, Pa.

A BIBLIOGRAPHY OF PUBLIC ADMINISTRATION. By Sarah Greer. New York: National Institute of Public Administration, 1926. Pp. xiii, 238.

Literature on state and municipal government, particularly the administrative side, has become so specialized and so plentiful in recent years, that a bibliography such as the one just published from the pen of the librarian of the National Institute of Public Administration will be welcomed with enthusiasm. Professor Munro's bibliography on municipal government is now more than ten years old, and Public Affairs Information Service is too expensive and too voluminous for the ordinary person to use to advantage. The publication of the bibliography of public administration will therefore meet a real need. So far as the present reviewer is aware it is the first bibliography which treats of the administration of the state and federal governments, as well as the municipal field.

The scope of the work is somewhat broader than the title would indicate. The first chapter is headed "General Administration" and includes the government of the United States and European countries, municipal charters, consolidation of metropolitan areas, etc. Chapter II covers political parties and elections and includes proportional representation and legislative procedure. Chapter III is devoted to civil service and employment management. Other chapters include public finance, public works, public utilities, public health and sanitation, public welfare, public safety and administration of justice and education.

Miss Greer keeps close watch over the current publications on governmental administration and the books and pamphlets which find place in her book are those which possess the most lasting value. For obviously it would be impossible to find room for everything within the limits of a small volume and this fact is sufficient answer to any who may find some favorite book or report omitted. The author has not undertaken any comparative evaluations of the material included although each publication is sufficiently described by either title or explanatory paragraph.

The material is well arranged and classified and the present reviewer prophesies that many will find the book, as he has done, a continuously ready reference to the recent and important material in the field of public administration. It is to be hoped that it will be followed by another in the form of a selected bibliography of the more important periodical literature on public administration.

H. W. D.

THE CITY. By Robert E. Park and Ernest W. Burgess. Chicago: The University of Chicago Press, 1925. Pp. xi, 239.

This volume is a collection of ten papers contributed by four authors. The first paper, entitled "The City," by Robert E. Park, was written, as he explains in the preface, in response to a request for an outline of "a program of studies of human nature and social life under modern city conditions." It contains an extensive list of suggestions for further investi-

gation along the line of human behavior in the urban environment. The other papers are "by-products of the more detailed monographic studies suggested in that paper."

Five of the remaining nine chapters were also written by Park. Chapter 4 is on, "The Natural History of the Newspaper"; Chapter 5, "Community Organization and Juvenile Delinquency"; Chapter 6, "Community Organization and the Romantic Temper"; Chapter 7, "Magic, Mentality, and City Life"; and Chapter 9, "The Mind of the Hobo: Reflections upon the Relations between Mentality and Locomotion." Chapters 2 and 8 were written by Ernest W. Burgess. The titles of these papers are: "The Growth of the City," and "Can Neighborhood Work Have a Scientific Basis?" Chapter 3, "The Ecological Approach to the Study of the Human Community," was written by R. D. McKenzie; and Chapter 10 on, "A Bibliography of the Urban Community," is by Louis Wirth. This last chapter is much the longest of the group, comprising nearly one-third of the volume.

In consequence of the multiple authorship there is some overlapping. Urban expansion is discussed in both Chapters 2 and 8. Likewise the ecological forces are analized in Chapters 3 and 8. The discussion of magic is incomplete and its relation to the other papers is not made clear. On the whole the volume serves its purpose well as a general introduction to further study of the characteristics and consequences of city growth and of the city as a social fact.

E. A. Helms.

Ohio State University.

REPORTS AND PAMPHLETS

Toledo Police Survey.—The Toledo Commission of Publicity and Efficiency has recently released a lengthy report on the functioning of the Toledo police department. The real heart of the survey consists of two major findings. The first is that the homicide, robbery, burglary, and larceny rate is exceedingly high by comparison with other cities of equal size; the second, that the city is woefully underpatrolled.

Although this reviewer, having no first-hand familiarity with local conditions, can only draw his conclusions by reading between the lines, it would appear that the commission has for the most part approached its task with an open mind and a desire to present the facts. This belief is strengthened by the manner in which the question of commercialized vice has been treated. The commission concedes that the police have failed in their work of suppression, and recommends a return to the segregated district. Although few will now be found who agree with that conclusion, it must be conceded that its presentation by a responsible public body required the exercise of real courage.

Bruce Smith.

✠

State Property Tax to Aid in the Support of an Eight-Months' School Term is the title of a debate handbook published by the Extension Division of the University of North Carolina. Readers of the Review are familiar with the unusually active efforts of the University to bring its facilities to the people of the state and its influence to bear upon the solution of local political and social problems. The handbook is prepared especially for the High School Debating Union of the state which has been functioning since 1912. Each year a memorial cup is awarded to the team winning in the final contest held at Chapel Hill. Most of the subjects for past years have been general in nature, but this year attention has been shrewdly directed to the local problem of whether North Carolina should levy a state tax on property to aid in the support of an eight-months' school term.

✠

New Jersey Laws.—The Legislative Reference Department of the New Jersey State Library, following the practice of former years, has issued a Descriptive List of the Laws and Joint Resolutions enacted by the 1926 legislature. This Descriptive List gives the bill and chapter number of every measure enacted, together with the name of the introducer and a succinct statement of just what the law does.

A copy of this Descriptive List will be sent gratis to any person making application therefor to the State Library at Trenton, New Jersey.

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Working Manual of Civics, by Milton Conover, published by the Johns Hopkins Press of Baltimore, is intended as a supplement to ordi-

nary text books on civics. The aim, as stated by the author, who is assistant professor of political science in Yale University, "is to lead the student beyond the covers of textbooks and into the practical field of government." An adequate bibliography is given with each topic and suggested assignments for special work are provided. Of course the test of any handbook is the same as that of a pudding, but the author who undertakes a teacher's handbook in civics faces the difficult fact that many teachers of the subject are untrained in it and do not know or wish to know how to avail themselves of the devices offered. The conscientious teacher will, however, find in this manual many leads to original sources which can be availed of with much profit.

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Proportional Representation, compiled by Lamar T. Beman, appears as No. 5, Vol. III of the Reference Shelf published by the H. W. Wilson Company, New York City. It is in the form of a debater's handbook with briefs pro and con, and an extensive bibliography. The body of the book consists of reprints of articles and excerpts from books for and against proportional representation. It will be welcomed by anyone who wishes quick information on the subject, but its usefulness is marred by failure to include either a table of contents or an index.

✻

Report on a Proposed Plan for the Regulation and Supervision of Departmental Accounting, prepared at the request of Governor Pothier by Zenas W. Bliss, chairman of the Board of Tax Commissioners, is chiefly interesting to persons outside of Rhode Island on account of the appendix, which contains a digest of the statutes governing various state budget systems. The body of the report contains a table showing the title and personnel of the budget department of each of the several states.

✻

Building Code of Santa Barbara, California.—Santa Barbara has just adopted a comprehensive building code which was prepared with the co-operation of the City Planning Commission, the Architectural Advisory Committee, the Builder's Exchange, the Building Trades Council, Francis Price, city attorney, and Vern D. Hedden, consultant. Copies may be secured for $.50 each.

PUBLIC UTILITIES

EDITED BY JOHN BAUER
Public Utility Consultant, New York City

The Cause of Controversy in Rate-Making.—We have been asked repeatedly to state and explain the chief factors of controversy in public utility rate-making. It is plain that the methods of regulation used by the commissions are not working satisfactorily; rate procedure is too cumbersome, and the efforts at rate adjustments, upward or downward, are beset by far too much litigation. What are the difficulties, and what the remedies?

The difficulty, in general, is the lack of definite principles upon which rates are based, and inadequate machinery by which rate-making is conducted. The fundamental basis and procedure have never been definitely established; so the controversy is due to the confusion of principles and methods employed by the commissions.

THE COST OF SERVICE

What are reasonable rates? No specific definition has ever been supplied either by the legislatures providing for regulation, or by the courts in defining the limits of regulation against the encroachment upon private rights. There is, however, one clear and exact basis of rates which would immediately cut through all controversy, and would establish scientific regulation: basing rates definitely upon cost of service.

The cost of service consists of three principal items: (1) Operating expenses, (2) taxes, and (3) return on investment. The operating expenses consist of all labor and materials used in furnishing service, including ordinary maintenance as well as the necessary charges for renewals of property. Taxes include all payments made to various governmental bodies in connection with operation of the properties. These two groups, operating expenses and taxes, usually constitute at least three-fourths of the total charges covered by reasonable rates, and they are taken almost generally by the commissions at actual cost as shown by the accounts of the companies.

The cost principle has thus become recognized in the bulk of the elements entering into reasonable rates. Only the one factor, the return on investment, which usually constitutes less than one-fourth of the total rate charges, has never been based definitely upon cost, or definitely upon any other principle, consequently it cannot be administered under present conditions through any satisfactory method of control, and causes all the difficulties in rate-making.

INVESTMENT INSTEAD OF "FAIR VALUE"

All the confusion in rate-making, therefore, is due to the one minor factor. The general formula is that a "fair rate" of return must be allowed on the "fair value" of the properties used in operation. But the formula has no concrete explanation as to how a "fair rate" or "fair value" may be determined; and this is the cause of controversy in rate-making.

To put rate-making upon an exact and scientific basis for the future, requires the acceptance of the cost principle for return on investment in exactly the same way as cost is recognized for operating expenses and taxes. If the cost of service were taken consistently for all three elements as the proper measure of reasonable rates, then return on investment would become an exact matter subject to accounting control exactly as operating expenses and taxes. The rights of the investors would be definitely stated and maintained, and there would be no controversy.

So long, however, as we continue with the mere vague formula of "fair rate" of return upon "fair value," we shall have sharp differences of opinion as to what factors and in what proportion shall be deemed "fair." On this basis every rate adjustment presents a natural conflict between the public and the companies; the one seeking a low value and a low rate of return, and the other a maximum value and a maximum rate of return. But, if the return were based upon cost, there would be exact facts as shown by the accounts, and the rate adjustments could be readily made as justified, upward or downward, according to facts, not argument and undefined claims of "fair."

WHAT IS "FAIR VALUE"?

The basic conflict in rate-making is, what constitutes "fair value," and what is a "fair rate" of return? The question of "fair value" involves least four large questions on which there are wide differences of opinion: (1) whether and to what extent the cost of reproduction or the original cost of the properties should be used, (2) whether and to what extent depreciation should be deducted from the gross valuation, (3) what allowance should be made for "going value," and (4) what provisions for the various overheads or intangible values.

As to the "fair rate" of return, there is the question whether and to what extent it should be based upon current market rates of interest, or upon the actual cost of capital paid by the company, whether and how much consideration should be given to the hazards of the particular business, and whether and to what degree the particular financial structure should be taken into account.

The more important questions as thus generally outlined, both as to the determination of "fair value" and "fair rate" of return, will be presented and discussed briefly in subsequent issues of the REVIEW. A special phase of controversy will be presented in each number. The objective is to present to the readers a clear and simple picture of the cause of the vast amount of utility litigation, and to point the way to proper and effective regulation. We shall gladly answer special inquiries in this field or publish well thought-out ideas and points of view.

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Governor Pinchot's Giant Power Bills.—The difficulties of regulation, as briefly outlined above, must finally be met by legislation. The foremost effort to date to establish scientific regulation through legislative action, appeared in the so-called Giant Power Bills submitted to the recent session of the Pennsylvania legislature as a result of Governor Pinchot's efforts to meet present-day electric power conditions. The bills not only provided for the incorporation of giant power companies, with the object of generating power at the coal mines and distributing it by means of high tension systems, but they attempted also to set up scientific machinery for rate-making. They fixed as the rate base the actual investment in the properties, and provided for complete maintenance including depreciation, relying upon the accounts to show the net investment entitled to a return at any time. The rate of return, however, was left flexible, with provisions that it should be adjusted to the market rate so as to keep the market value of the stock at par or somewhat above. This particular feature of the bills will be discussed in a later number of the REVIEW. Unfortunately, the bills did not pass the legislature, but they have helped to point the way to effective regulation and have had an important educational influence.

*

Paving Charges.—During the past ten years there has been an intensive drive by the street railway companies to free themselves from the paving obligations imposed upon them in most cities either by franchise or by general statutory requirements. The opposition has become insistent particularly in the face of increasing operating costs and growing bus competition. It is claimed that the obligation goes back to horse-car operation, when there was reason why the paving between the rails and a strip on each side should be maintained by the companies; but that with the electrification of the lines, the reason for the requirement has disappeared, and with the present high costs and bus competition, the companies should be relieved of the unjustified burden.

The legislature of New Jersey passed a bill during its recent session in line with the companies' claims. But the bill was vetoed by Governor Moore, and no attempt was made to pass it over the veto. This attempted legislation calls attention to an important problem, which ought to be considered by every municipality affected by it. This is an important question, which should not be left to political maneuvering but should be settled by investigation of the facts and sound consideration of policy. There are at least two points that ought to be weighed on the public side against the claims of the companies. First, there is the question whether the presence of the railroad in the center of a street does not cause as great a total paving cost, especially maintenance and renewals, as there would be without the presence of the railroad; whether a city could not maintain the paving of the entire width of a street as cheaply as it can the two side strips, with the center occupied by the railroad. This question can be answered from actual experience, and the facts ought to be determined.

The second question involves the entire municipal policy as to future street transportation,

whether this service should be provided by street railways or modern buses. If, in any case, investigation shows that bus operation would furnish a better and more economical service, then the effort to replace street railways as rapidly as possible with buses would be rendered more difficult by relieving the street railway companies from the existing paving obligations. In any event, this appears to be a local problem, and should be determined by the local authorities in each case; not in general by the legislature of the state. This is particularly true where the paving obligations were incorporated in the franchise granted by the local communities. Governor Moore is to be congratulated for vetoing the New Jersey bills; now more time is available for broader public consideration of the issues involved.

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Gas Service in Philadelphia.—The Bureau of Municipal Research of Philadelphia has just issued a comprehensive report on the history of the gas works in Philadelphia, with a description of modern standards of gas service, and an analysis of the present situation in the city of Philadelphia.

Philadelphia presents an unusual case where a large city owns the gas works and has leased them to a private company under a long-term contract. The city has owned the works from the beginning, and has operated them or has kept control throughout the history of the properties. In the early years it had a separate board administrating the properties, subsequently it undertook direct operation, and in 1897 it leased them to the United Gas Improvement Company for a period of thirty years. The lessee was pledged to make the necessary additions and improvements, furnish the gas at the stipulated rates, and make certain payments to the city. The entire property, including the extensions and improvements, passes free of cost to the city at the expiration of the lease in 1927. While the lease expires at the close of the present year, no definite decision has been reached as to arrangements for the future. A new lease has been proposed by the present lessee, and the report sets forth the conditions that should be insisted upon by the city in entering into a further lease or in making any other operating arrangements for the future.

⚜

Electric Rates in Minnesota.—The League of Minnesota Municipalities has just issued a pamphlet on "Minnesota Electric Rates" compiled by Esther Crandall, librarian of the Municipal Reference Bureau. The pamphlet sets forth the electric rates charged in all the municipalities of the state, arranged in alphabetical order, giving for each municipality the population, the kind of service, whether by municipal plant or by what company, the lighting rates, power rates and other rate schedules. There is no attempt at analysis, either as to rates between different classes of municipalities or between privately owned and municipally owned plants.

A casual survey of the bulletin indicates, however, striking differences in the rates charged as between communities of the same size and as between privately owned and municipal plants. For example, the lighting rates in Duluth, 98,917 population, are 6 cents per kilowatt hour up to 199 kilowatt hours, while in Minneapolis, 380,582 population, the rates are 9.5 cents per kilowatt hour up to 200, with a discount of 5 per cent for prompt payment. For smaller municipalities, Spring Valley, 1,871 popuation, has a lighting rate of 16 cents per kilowatt hour, while Buhl, 2,007 population, has a rate of 8 cents. Generally speaking, the municipally owned plants furnish service at lower rates than privately owned plants in communities of equal size, although this is not uniformly true. Whether this is due to excessive rates on the part of private companies, or to rates which do not pay the full cost of service on the part of the municipal plants, cannot be determined. Mostly, the schedules correspond well with rates in other sections of the country.

⚜

The Five-Cent Fare in Chicago.—The long litigation in Chicago over the five-cent fare has practically come to an end when the federal master in chancery recently upheld the existing seven-cent fare and declared a lower rate ordered by the Illinois commerce commission in 1922 to be confiscatory and illegal. The report of the master is expected to be upheld by the courts.

Chicago faces a complicated traction situation which has caused both the Thompson and the present administration a great deal of perspiration. A year ago a general settlement of the transit situation was provided for by special ordinance, which, however, was overwhelmingly defeated by the voters of the city. No new general program has been developed, and the situation is extremely complicated.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, Georgetown University

LIABILITY OF CITY FOR INJURIES DUE TO NEGLIGENCE IN THE CARE OF PUBLIC PARKS

The growing tendency of the law to reconcile the principles of liability of municipal corporations for acts of negligence resulting in damages to individuals with those applied to private corporations is evidenced in several recent adjudications of our courts of last resort. The principle of exemption based upon the distinction between "public or governmental" and "private or proprietary" functions has been found to be so unsatisfactory a test of tort liability that it is gradually being broken down by the extension of the sphere of "private or proprietary" functions to cover a range of activities, which from the point of view of taxation, execution of judgments, or power of alienation must still be classified in law, as they are in fact, "public and governmental" in character.

For the purpose of predicating liability of municipal corporations in tort, the courts have classified as "private or proprietary" functions all municipal enterprises from which a revenue is derived, such as supplying water, gas, or electricity to their inhabitants, and have imposed liability wherever the property mainly used for a public purpose is yielding an incidental revenue.[1] Peculiarly, the care and operation of sewers is put in the same category, subject only to the rules of immunity from damages resulting from the discretionary act of the adoption of plans therefor.[2] The streets of a city are held by it as an agency of the state in trust for the public, and in the absence of statutory imposition, no liability for consequential damages resulting from a change of grade exists; yet outside of New England the city is held to the strictest common law responsibility for maintaining the streets in a safe condition for passage of vehicles and pedestrians. This extraordinary liability for the care of its public streets is based upon exceptional principles which gained a foothold before the test of public or private purpose had been developed.

The most common and best justified application of this test is to confer immunity from liability for tort for the acts of officers and employees of the police, fire or health departments, the duties of each of which are essentially governmental and may be regarded as delegated to the municipal corporation as an agency of the state. Unless liability is imposed by statute, the municipality in performing the duties thus imposed is exempt from an action for negligence upon the same principle as the state itself,[3] and the injured person is remitted to his action against the officer or employee whose personal negligence occasioned the injury.[4] Even here the test often leads to logical results that seem to the layman extremely unscientific and absurd. Thus, in the case of Autrey v. City Council of Georgia in 1925 the plantiff was severely injured by stepping into a cut-off or hole left unguarded by the employees of the water department of the city. While the waterworks system was operated by the city "in its private capacity and for profit and gain," the court held that the action could not be maintained as it appeared that the particular part of its system described in the petition as a "cut-off" was used for no other purpose than to control the flow of water into a pool in the park, and was therefore devoted only to the benefit of the general public, without any pretense of private gain to the municipality."[5]

It is to meet such unfortunate situations, that the courts have been led to modify the doctrine by holding that the public nature of the undertaking will not excuse liability when the act complained of is a trespass upon private prop-

[1] Libby v. Portland (1909), 105 Me. 370, 74 Atl. 805.

[2] Johnston v. District of Columbia (1885), 118 U. S. 19; Seifert v. City of Brooklyn (1886), 101 N. Y. 136, 4 N. E. 321.

[3] Hill v. Boston, 122 Mass. 344; Craig v. Charleston (1899), 180 Ill. 154, 84 N. E. 184.

[4] Floric v. Jersey City (1925), 129 Atl. 470.

[5] See also, Hodgins v. Bay City (151 Mich. 687) in which the plaintiff was injured by a defective wire of the city lighting system. As the wire carried the alternating current used for commercial lighting, the city was held liable, but would have been immune from liability had the wire carried direct current used for lighting the streets.

erty,[6] or constitutes a nuisance.[7] But short of a frank abandonment of the test, as in South Carolina[8] and in Florida in the case of cities under a commission form of government[9] or in all instances, as at one time suggested by the supreme court of Ohio,[10] the most obvious method of meeting the situation is by further extending the application of the term "private or proprietary" for this purpose to include many functions, which for all other purposes must still be classed as "public or governmental."[11]

Such is the distinct tendency of the courts in relation to municipal responsibility for the care and management of its parks, which, whether acquired by purchase or dedication, the city holds in trust for the public, without power of alienation, or subjection to taxation, eminent domain, or execution. In Wardman v. City of Grafton (128 S. E. 375), the supreme court of West Virginia held the city liable for injuries sustained by a child due to the defective condition of a chute or slideway erected for the entertainment of children frequenting the park. In an able opinion, Justice Miller points out the distinct movement in this country toward the doctrine that municipal corporations are under a duty of exercising reasonable care in the maintenance of parks and other public enterprises of like character. The chaos in which the courts have found themselves due to the adoption in such cases of the unreasonable test of the public or private character of the enterprise is pointed out, and the court approves of the better theory of liability based upon the conferring of the power and the imposition of a duty. It is noteworthy that in the case of Fort Collins v. Roten (72 Colo. 182, 210 Pac. 326) the accident for which the city was also held liable was as in the instant case caused by a ring on the child's hand catching on a projecting bolt on the outside of the hand railing.

In Ramirez v. Cheyenne (241 Pac. 710) decided December 15, 1925, a case in which the question whether the city was liable for injuries to a child by a defective swing in a public playground, the supreme court of Wyoming was called upon to adopt for the first time the principle to be applied in that state to the determination of cases of this kind. After a very careful examination of authorities, the court was led to reject the older test, as exemplified in Hill v. Boston (122 Mass. 344) and approved by Judge Dillon, that the municipality is to be held liable "only when the duty is a new one and is such as is ordinarily performed by trading corporations" as not based upon the supposed analogy of the English cases and as impractical of application. The court points out that the enterprise of providing playgrounds for children may be rendered by a public charity, and holds that no greater exemption should be accorded the city than to the private corporation engaged in similar activities; in other words that the criterion to govern such cases is the character of the service involved. The court suggests the advisability of action by the legislature to declare a policy to guide the courts upon the subject of municipal liability for tort.

A third case indicating the trend toward the stricter rule of liability is Byrnes v. City of Jackson (105 So. 861) decided by the supreme court of Mississippi. November 16, 1925, applying what it calls the New York doctrine as to care of parks and holding that an adult injured by a bear in the zoo maintained by the city may recover upon proof that the agents of the city were negligent in providing proper control over the animal. The court states that it is aligning itself with the New York decisions in holding the city to the same responsibility for the care of its parks as for the care of the public streets.[12].

The impasse in which the courts have found themselves doubtless calls for an abandonment of this artificial test, which often leads to unsatisfactory results. The interpretation of the terms "public or governmental" and "private or proprietory" as now used to determine liability in tort is far removed from that applied in the fields of taxation, eminent domain, alienation of property and execution of judgments. The

[6] Ashley v. Port Huron, 35 Mich. 296.

[7] District of Columbia v. Totten (D. C. App. 1925), 5 Fed. (2) 374; Davoren v. Kansas City (Mo. 1925), 273 S. A. L. 401.

[8] Irvine v. Greenwood (1911), 89 S. E. 511, 72 S. E. 222; Crepe v. Columbia (1916), 104 S. E. 371, 89 S. E. 316.

[9] Kaufman v. Tallahasse (1922), 84 Fla. 634, 94 So. 697; Tallahasse v. Kaufman (1924), 100 So. 150.

[10] Fowler v. Cleveland, 100 Ohio St. 158, 126 N. E. 72, overruled in Aldrich v. Youngstown, 106 Ohio St. 342, 140 N. E. 164.

[11] The test is not applied in cases arising under the Admiralty jurisdiction of the Federal Courts. Thompson Navigation Co. v. Chicago (1897), 77 Fed. 984; Workman v. New York City (1900), 179 U. S. 552; Chicago v. White Trans. Co. (1917), 243 Fed. 358.

[12] The opinion in this case includes citations to a large number of the leading cases on this question.

courts must either work out a basis of liability more consistent with the general principles of liability of private corporations in tort, as has been approximated in England and New York, or the solution must come from a resort to the legislature, as suggested by the supreme court of Wyoming. While the decision in each of these three cases might be upheld in some of the jurisdictions which place parks in the category of "public or governmental" functions upon the theory of liability based upon maintaining a nuisance or dangerous conditions attractive to children, they are noteworthy in adopting a broader principle of liability, which renders unnecessary the piling of exception upon exception.[13]

BRIEF NOTES ON RECENT DECISIONS

Paving Contracts—Power to Stipulate Patented Article.—Under a statute empowering the city authorities to determine in advance the kind of surfacing material most adapted to the needs of the city's highways and to specify the material so determined upon, the city is held authorized to restrict bidding to a patented material, when equality among bidders is assured by uniform price for material used. Generally the inclusion of a patented article will defeat the statutory requirement of competitive bidding on public contracts, but it is held in Litchfield v. City of Bridgeport (Conn.), 131 Atl. 560, that the great weight of authority establishes the doctrine that the selection of a patented article with a provision for a licensing agreement, enabling all who may desire to bid to secure the patented article at a set price, does not contravene the requirement of the statute. The city in the instant case acted under express legislative authority and no questions of the validity of a similar exercise of authority under an implied power was raised.

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Traveling Expenses of Councilmen. Injunction to Restrain Payment.—In McCaffrey et al. v. Boston (Mass.), 149 N. E. 659, the plaintiffs, resident taxpayers of the city of Boston, sued in equity to restrain the expenditure of public money to defray the expenses of members of the city council for a trip to other cities to investigate the advisability of establishing a city hospital for chronic diseases. Before the action was brought the trip had been made and the money expended. Upon this ground, the lower court dismissed the petition. The supreme court, however, reversed the decree, holding that the provision of the city charter that no member of the city council should receive any other sum than his salary "for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council" permitted of no exception and covered the instant case. While generally municipalities are held to have no implied power to pay the expenses of lobbying committees, or to reimburse city officers for moneys spent in attending conventions, the collection of data relating to a public enterprise involving the expenditure of large sums of money, may be considered as necessary to the proper exercise of the authority conferred. The decision in the instant case, therefore, must stand upon the particular and positive provision of the statute, which the court points out is applicable to the city of Boston alone and adapted to what the legislature regarded as its peculiar needs.

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Municipal Ownership—Power to Mortgage Plant.—Section 24 of Article 8, of the constitution of Michigan, authorizes the issuance of a mortgage beyond the constitutional limit of indebtedness to finance a public utility owned by the municipality. Other sections of the same article provides that a municipal franchise can be granted to a private person only upon authorization of the electors. Held in Stanhope v. Village of Hart (Mich.), 206 N. W. 346, that these sections must be read together, and that without approval by the voters a clause in the mortgage, assuring to the purchaser upon foreclosure a franchise to operate for a term of years, is invalid; and the village is enjoined from issuing a mortgage containing such a clause, "unless and until such proposition shall have first received the affirmative vote of three-fifths of the electors of the village voting thereon at a regular or special municipal election."

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Home Rule Charters—Extra Territorial Effect.—The defendant city in the case of Collinsville v. Brickley (Okla.), 242 Pac. 249, was held liable for damages to a lower riparian owner of a stream into which the city discharged its sewage,

[13] For extended discussions of this general question, see: Goodnow, F. J., "Municipal Home Rule," Chapters 7–9; Harno, A. J., "Tort Immunity of Municipal Corporations," Illinois Law Review, Dec., 1921; Borchard, E. M., "Government Liability in Tort," Yale Law Review, a series of articles beginning in the Nov., 1924, number; Doddridge, D. W., "Distinction between Governmental and Proprietary Functions of Municipal Corporations," Michigan Law Review, Feb., 1925.

polluting the water so that the water was unfit for the plaintiff's cattle. The defendant contended that under its self-framed charter the action was not maintainable because of a section thereof requiring, as a condition precedent to the right of action, a notice to the city manager within thirty days after the damage accrued. Such statutory requirements are uniformly sustained and applied not only by the state courts but by the federal courts as well. The supreme court of Oklahoma, nevertheless, held the provision of the charter was inapplicable, as being in effect an ordinance and not operative beyond the territorial boundaries of the city. The force of the court's ruling that all the provisions of a home-rule charter have no more extensive application than ordinances adopted thereunder is somewhat weakened by the fact that the evidence showed such actual notice to the city authorities of the continuing nuisance that under the circumstances compliance with a statutory requirement of a specific notice of damages would have been deemed unnecessary.

Upon the measure of damages in an action for injuries to the lands of a lower riparian owner resulting from pollution of the stream by city sewage, see Mitchell Realty Co. v. West Allis (Wis.), 206 N. W. 193.

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Intoxicating Liquors—Validity of Local Ordinance, Against Selling.—This is the case of State ex rel Strupp v. Anderson (Minn.), 206 N. W. 51. The relator was tried and convicted of selling intoxicating liquors in violation of a municipal ordinance and sentenced to imprisonment for sixty days. The state prohibition statute states that the act suspends "all laws or parts of laws, ordinances and charter provisions" inconsistant therewith. By the home-rule charter of the city, the council is given "full power and authority" to enact and enforce ordinances "for the government and good order of the city, for the suppression of vice and intemperance and for the prevention of crime" and to "impose penalties and punishments by fine, imprisonment or both." The court held that the ordinance was within the power of the city, was a separate offense cognizable under the local police power, and remanded the relator to the custody of the sheriff to serve the remainder of his sentence. Under this decision, the relator might also be subject to prosecution and conviction under the state statute as well as under the federal laws.

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Nuisance—Permit to Maintain Invalid.—In Averch v. Denver (Colo.), 242 Pac. 47, the plaintiff sought an injunction against his prosecution for violation of a building ordinance by the erection of a packing house, claiming that the ordinance was invalid and that the building had been constructed after a permit had been granted by the building inspector. The court held that the evidence showed the operation of the plant to be deleterious to the health of the neighborhood, and therefore its maintenance was a nuisance and the owner subject to prosecution at common law irrespective of the ordinance. Under these circumstances, he could not invoke the aid of a court of equity to enjoin the prosecution.

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Public Utility Corporations—Subjection to Municipal Regulation.—In Singer v. Washington Water, Light & Power Co. (Ind.), 149 N. E. 918, a contractor, removing a bridge as part of a street improvement, is held not liable, in the absence of negligence, for damages to the pipes of a public utility company, enjoying a franchise to use the streets for that purpose. A city is without authority to contract away its police or governmental powers and the exercise of the rights granted to the public utility is always subject to the reasonable regulations of the city in performing its absolute duty to improve and maintain its streets. The water company "having had notice of the improvement of the street, and that as part of the improvement the old bridge was to be removed, it was its duty to protect its pipes which were encased in the old bridge"; and in the absence of negligence neither the city or the contractor is liable for damages to the pipes resulting from the removal of the bridge.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Newark Bureau of Research of the Chamber of Commerce.—New Jersey now has a law on its statutes, providing for permanent registration in municipalities with a population exceeding 15,000. This bill was passed over the governor's veto. The Newark Bureau of Research, of which John B. Blandford is secretary, prepared the bill and took a leading part in having it enacted into a law.

Following a study of Newark's proposal to build an annex to its City Hall, the Bureau of Research recommended that this plan be abandoned and that a building located on city owned property be used for the purpose. This the administration decided to do.

In order that the traffic, transit and transportation problem might be given proper consideration, the bureau recommended the appointment of a transit commission to act as an authoritative medium for developing and interpreting facts on the problem viewed as a whole, rather than following the usual plan of various committees of laymen presenting the recommendations from time to time, resulting in piece-meal consideration.

Another study under way by the bureau was the question of paving within the trolley track area.

The bureau is continuing its campaign of education for the council-manager plan of government and has now published the third pamphlet.

Kansas City Public Service Institute.—A report on the county highway department and county road system of Jackson county, Missouri, has recently been issued by the Public Service Institute. The preliminary report deals chiefly with the organization of the county highway department and with the needs of the road system in general. It is planned to follow up the report by operation studies during the summer, having in view the enactment of certain legislation at the next legislature.

A large part of the time of the institute staff during the past two months has been devoted to assisting the new administrative code committee in the preparation of the administrative code and in the preparation of the first budget of the city under the new charter. The changes in the organization of the government under the new charter as compared with the old make the work of preparing the code and the first budget rather complicated. The code, which is now completed, will no doubt be considerably revised when the ordinances of the city are revised, probably during the first year under the charter.

From sources outside the institute, it is learned that this organization, of which Walter Matscheck is director, has done a monumental piece of work in making possible council-manager government for Kansas City. The institute took a leading part from the start and has been an important factor from the writing of the charter to planning the details now of the administration under the new form of government.

Civic Department of the Kansas City Chamber of Commerce.—Ray Wilson, secretary of this department, reports that a program of matters of fundamental importance bearing upon the local government of the community has been adopted and will guide the studies of the City Government Committee during the year. Cornelius Roach is chairman of the committee.

This program, adopted February 17, includes studies of matters in connection with the transition to the organization proposed by the new charter, home rule for police, regional planning, excess condemnation, extension of city limits, relations with county, city government, registration procedure, election procedure, and legislation governing the type of ballot required in bond elections.

In its studies the committee is having the cooperation of the Kansas City Public Service Institute, "the community's fact-finding agency." Walter Matscheck, director of the institute, is a member of the committee and has made available technical studies which this agency has made on each of the subjects contained in the program.

Duluth Taxpayers' League.—Joseph F. Base, staff engineer since August 1, 1925, resigned

April 1, to become executive secretary of the Duluth Builders' Exchange.

The city of Duluth is voting on several amendments to the city charter which will provide an aldermanic form of government. The Taxpayers' League is attempting to prevent this election by injunction proceedings.

Another vigorous protest under way by the league is in connection with the opening of a street, for which the council plans to spend $300,000 more than is necessary, according to a report of the league.

The Toronto Bureau of Municipal Research.—The bureau printed and published an open letter that had been presented to the members of the council, urging them to have a thorough survey of the civic personnel with standardization of work and pay, instead of haphazard salary increases. It is interesting to note that the council has accepted the policy of a survey being made and has asked the board of control to appoint the committee.

A booklet dealing with the work of the bureau since its inception is now in course of preparation. The bureau has during the month co-operated with a number of organizations, business houses and citizens by supplying information on various civic subjects.

Citizens' Research Institute of Canada.—The institute issued a tax conference report, entitled "Dominion Income Tax Reduction; Can we afford to do it? or Can we afford to do without it?" This report, quoting authorative figures from several other countries, furnished proof that a reduction of income tax rates does not necessarily mean a proportionate reduction in revenue.

The second of the annual series, "Cost of Government in Canada, Provincial," has been issued. The third of the series, "Federal," is in course of preparation and will be issued during the next few weeks.

A booklet dealing with the work of the institute since its inception is in course of preparation.

The institute has supplied information relative to assessment, taxation, municipal statistics and educational matters, etc., to boards of trade, chambers of commerce, financial and business houses; also, individual citizens from all over the Dominion.

New York National Institute of Public Administration.—Dr. Carl E. McCombs has been appointed a member of the Special Committee of the American Hospital Association on County Hospitals. The committee is to make a general study of county hospitals in the United States and make recommendations for action by the American Hospital Association. An article by Dr. McCombs entitled, "Raising City and County Hospital Standards," was published in the *Modern Hospital* for February, 1926.

William Watson has resumed his study of financial procedure in the city courts of Philadelphia, for the Philadelphia Bureau of Municipal Research. The institute has published a *Bibliography of Public Administration*, which lists the outstanding works on the subject, that have appeared during the past ten years. It contains about 5,000 entries of books, periodicals and selected magazine articles.

The institute will issue in the near future a monograph by Clarence Heer entitled, "The Post War Expansion of State Expenditures." This is one of the series of studies of public administration to be issued by the institute from time to time.

The first two sections of the report of the New York State Joint Legislative Committee on Taxation and Retrenchment have appeared. Luther Gulick was executive secretary for the committee, and A. E. Buck, chief of research staff. Part one deals with State Expenditures, Tax Burden and Wealth. Part two is a study of the Gasoline Tax. These reports are listed as Legislative Documents, 1926, Nos. 68 and 69.

The graduate students from the School of Citizenship of Syracuse University are spending six weeks at the institute, for a course of lectures by the members of the staff.

Bureau of Municipal Research of Philadelphia.—The Philadelphia Bureau in the further prosecution of the survey of the municipal court of Philadelphia, which is being financed by the Thomas Skelton Harrison Foundation, has engaged William Watson of the New York Bureau to survey the court's department of accounts, its bureau of delinquent accounts, and its purchasing procedure.

Toledo Commission of Publicity and Efficiency.—Virgil Sheppard, formerly instructor of government at the University of Toledo, has been appointed secretary to the Commission of Publicity and Efficiency of Toledo, to fill the vacancy created when C. A. Crosser accepted a

position with the Des Moines Bureau of Municipal Research.

Mr. Crosser's last piece of work as secretary to the commission was a report on the functioning of the Toledo police department. Because the report surveyed crime conditions and causes of crime and also hinted that a segregated vice district would better vice conditions in Toledo, it has created quite a stir locally and in other cities.

Copies of the report can be obtained from the Toledo Commission of Publicity and Efficiency.

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New Bedford, Mass., Taxpayers' Association. —This city, on April 1, launched the New Bedford Taxpayers' Association, of which Hart Cummin, lately with the El Paso Chamber of Commerce, is the director. The address of the association is 508 Pleasant Street, New Bedford, Mass. Please place on your mailing list.

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Citizens' Bureau of Milwaukee —The city of West Allis, a suburb of Milwaukee with a population of about 20,000, voted on a new charter providing for a city manager and a council elected by proportional representation, on April 6. West Allis is the first city in Wisconsin to take advantage of the home rule privilege (passed by the 1925 legislature), granting cities of Wisconsin the power to draft and adopt a charter independent of the state legislature.

The city manager-proportional representation movement in West Allis began as the result of the usual dissatisfaction on the part of a few citizens with the administration of the city's affairs. This small group with a hunch that something was wrong asked the Citizens' Bureau of Milwaukee to make a survey of the municipal government. The Citizens' Bureau reported that the administration had been spending, for several years, more than its income; that the bonded debt limit had been disregarded; and called attention to numerous defects in the rendering of governmental services to the community. After it had been pointed out to the administration that the city had over bonded itself, the officials conceived the bright idea of increasing the assessment by one-third, thereby achieving two results: first, bringing the city's debt within legal bounds; and second, reducing the tax rate at the same time permitting the appropriation of more money than the previous year.

These citizens of West Allis agreed that it was a waste of time to try to introduce constructive changes as long as the present personnel of the City Hall were in office. They therefore requested the Citizens' Bureau to draft a brief charter providing simply for a city manager to be hired by a council of five, which should be elected by the Hare system of proportional representation.

The obtaining of a sufficient number of signatures was crammed into the short space of two days, so that the petition for a new charter could be submitted to the council in time to be placed on the spring ballot. The Wisconsin statutes provide that the council must either pass a petition without alteration within thirty days, or submit the proposal without alteration to the electors of the city at the next regular election if one is to be held not less than forty days after such date. The council accordingly exercised its right to delay the movement thirty days, which forced the vote on the question of the adoption of the city manager charter to occur at the same election when the usual election of aldermen and mayor, as well as the other executive officials, including the city treasurer, city controller, assessors, justices of the peace, city attorney, took place.

Six weeks prior to the date of the election, Walter J. Millard, field representative of the National Municipal League and the Proportional Representation League, was obtained to organize the proponents of city reorganization. A permanent civic council, which will function regardless of the fate of the city manager charter, has been organized. This body is fairly representative of the many civic, religious, and economic groups in the city. An opposing body, known as the Protective League, the tool of the present city officials, has been organized as well.

The greatest difficulties visible when this was written are the possible injection of the "wet-and-dry" issue into the new charter campaign; the possibility that the attempt to obtain a better type of mayor and council sponsored by the supporters of the new campaign may result in the neglect of the charter campaign itself,—their object being, of course, that should the city manager campaign fail, they would not find themselves in as bad straits as they have been in at some times during recent years. Finally, the Federated Trades Council which represents organized labor in Milwaukee county, of which West Allis is a part, went unanimously on record against the city manager plan and proportional representation.

NOTES AND EVENTS

Detroit Adopts Land Value Maps.—The Detroit board of assessors has published this year for the first time a complete set of land value maps comprising sixty-four districts. One thousand maps are being made available to property owners in each district for study and criticism before final values are fixed. The Detroit Bureau of Governmental Research has co-operated actively with the assessors in the preparation of the maps.

Boston Chamber of Commerce Urges Continuance of Public Control of the Elevated.—A special committee of the Boston Chamber of Commerce recommends that the Boston elevated remain under public control. The committee believes that under ordinary circumstances a return to private control would be best. At the present time, however, a continuance of public control, which will make it possible to obtain new capital to improve the present grade of service, is thought to be the most practicable policy for the legislature to adopt.

To Study City Manager Government.—L. D. White, professor of public administration at the University of Chicago, has begun a study of city manager government in which he will be fully occupied for the next six months. His plan is to study the office of city manager as a good illustration of the newer type of professional administrative work growing up in our government systems. Mr. White is now making a visit to twenty-eight cities collecting material for his report.

Municipal Railway Employees Denied Wage Increase.—The request of the employees of the San Francisco Municipal Railway for a wage increase amounting to 60 cents per day per man was denied by the committee of the Board of Supervisors to whom the matter was referred, on the ground that the increased costs, amounting approximately to $225,000 per year, would lead to a deficit. The committee stated that the present wage scale was inadequate and that it had earnestly hoped to be able to recommend an increase, but that this was manifestly impossible under the present five-cent fare.

Milk Adulteration Uncovered in New York.—Health Commissioner Louis I. Harris has disclosed the unpleasant fact that more than a million quarts of milk daily, or one-third of New York City's consumption, has been watered or otherwise diluted, and that the adulteration has been made possible by collusion between the milk dealers and officials of the health department. The graft has been going on for a two-year period. Independent dealers of "loose" milk only are involved, and no suspicion attaches to the large distributing companies. According to Commissioner Harris, milk dealers who adulterated the milk have paid a monthly stipend to a go-between for protection from health department interference. Most of the milk thus adulterated was consumed by poor people.

Commissioner Harris is an official of high standing, and he has promised a thorough investigation with full punishment of guilty persons.

Traffic Offenders Automatically Punished.—Operation of a "pay-as-you-violate" traffic bureau in Kansas City has been so effective as to receive commendation by the National Conference on Street and Highway Safety which recently met in Washington. Police officials say the system is the best ever tried in Kansas City and has received attention in other cities of the United States.

Within less than one year there has been collected through the bureau a total of approximately $100,000, which has been paid into the city treasury. The largest amount collected under other systems in any previous year was $2,500.

The plan in operation in Kansas City leaves the matter of appearing to answer a traffic violation charge of the large class of minor offenses, primarily to the motorist. The traffic bureau is in control of the police department. In the case of a violation the motorist is given a card with his particular offense checked on a list.

Where the owner or driver of a vehicle is absent, the card merely is placed in the car. It advises the offender that he is to appear before the traffic bureau and answer to the charge. The fine for each offense is given on the card. The motorist, if he pleads guilty, pays the fine

and departs. If he wishes a hearing he gets it. Only about 5 per cent of the traffic cases are appealed to the police courts.

A motorist is subject to arrest only when he repeatedly ignores the cards. Police officials say the system is much better than the old plan which permitted favors, often political in nature, to persons arrested or tagged for traffic violations.

A similar violation bureau has been in operation in Detroit for almost two years with marked success. The Detroit experience was related by S. E. Rose in the REVIEW for March, 1925.

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Cooke County Savings Through Improved Efficiency.—In December, 1922, Cooke county, in which Chicago is located, began an efficiency and economy program retaining J. L. Jacobs and Company as advisers. The program was divided into two parts, that which could be accomplished without state legislative action and that which required such action.

The achievements to date, accomplished without legislative action, are summarized as follows in a report submitted to the county board:

(1) Adoption of labor-saving devices and methods and elimination of unnecessary positions resulting in improved services at net money savings of approximately $875,000 annually, an aggregate net saving of over $2,430,000 between 1923 and 1926. These measures hold promise of greater economies and progress in the co-operating departments.

(2) Enlargement of needy social service and institutional work, the addition of new services and additional obligations imposed by new laws at an added cost of approximately $2,250,000 annually, along with provision of increased salaries to employes aggregating over $365,000 in the two years of 1924 and 1925 and an additional increase of over $308,000 for the nine months in 1926.

(3) Voluntary 10 per cent reduction in 1924 corporate taxes netting a saving of $925,000 to taxpayers in 1924 and reduction of over $40,000 in interest on tax anticipation warrants for that year.

(4) Reduction in the amounts owed by the county for outstanding accounts and warrants on loans for interest and principal on bonds from a total of $2,021,941.34 at the end of 1922 to a total of $410,890.30 at the beginning of 1925 ($482,890.30 liabilities outstanding less $72,000.00 cash on hand in the treasury).

(5) As against average annual increase of approximately 7.3 per cent for each year between 1912 and 1922 in total corporate operating expenses (exclusive of bond interest and election fund payments), there was a net decrease in the grand total county corporate operating appropriations of 0.1 per cent in 1925 over 1924. The 7.3 per cent average increase amounted to approximately $1,100,000 annually.

The means by which these savings were accomplished include the adjustment and rearrangement of help in all the county departments, the substitution of mechanical for longhand methods in preparing the voluminous tax records and bills, the use of the photographic process in making permanent and certified records of documents in the recorder's office and offices of the clerks of the courts, and the adoption of improved organization and office methods and procedures in other departments.

The plans for 1926 comprehend further development of efficiency methods along similar lines. The uncompleted legislative program includes the establishment of comprehensive civil service for all county employees, a consolidated department of fee collections and deposits, adjustment of fees to make them commensurate with services rendered, consolidation of separate local government agencies and a shorter ballot.

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Many Cities in Pennsylvania Adopt Zoning.—Zoning of cities and towns as a stimulus to modern urban development and a protection to the home-owner is one of the most popular movements in Pennsylvania, according to information collected by the Pennsylvania Housing and Town Planning Association.

This form of municipal improvement is progressing by leaps and bounds everywhere. In the United States to-day over 30,000,000 people reside in 422 definitely zoned municipalities. In Pennsylvania alone 27 municipalities have adopted zoning during the past three years.

This new method of protecting property-owners started in Pennsylvania with a comprehensive zoning ordinance being adopted in Pittsburgh in 1923. Three other municipalities, Scranton, Narberth and Oil City, were zoned in 1924. However, the movement did not get in full swing in this state until 1925, when 19 more cities, boroughs and a first-class township were zoned. This list includes Aldan, Beaver, Bellevue, Ben Avon, Chester, Connellsville, Edgewood, Edgeworth, Emsworth, Farrell, Haverford Township, Ingram, Monaca, Monessen,

New Castle, Prospect Park, Sewickley, Swissvale, and Westview.

The year 1926 promises to bring many more cities under this form of protection as indicated by the fact that since January the town councils of Bethlehem, Johnstown, Crafton and Landsdowne have adopted zoning ordinances by overwhelming majorities.

There are now 1,152,800 people in Pennsylvania, or one-eighth of the state's population, enjoying the protection of zoning. These people live in twelve different counties and represent second-class cities, third-class cities, boroughs and first-class townships, or all leading forms of governments in the state except a first-class city. Philadelphia, the only first-class city in the state, has thus far neglected to protect its citizens with the zoning power granted by the state legislature to all municipalities.

By neglecting to zone, Philadelphia has permitted many of its most beautiful residential neighborhoods to be converted into semi-commercial districts with a corresponding depreciation of residential values.

The zoning law of Pennsylvania permits municipalities to adopt and enforce ordinances regulating location and use of buildings, the percentage of lot to be occupied, size of yards, courts and open spaces, and building lines to be observed in new construction. It allows the town council to determine by ordinance what districts or zones the municipality will have in which dwellings alone may be built, zones in which offices, stores and business establishments may be permitted, and finally to set aside certain areas in which heavy industrial plants may be operated.

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Housing Shortage in Great Britain.—Professor John J. Clarke, in a lecture published in a recent issue of the *Town Planning Review* (Liverpool), estimates that Great Britain is short to-day 1,144,959 houses. "It would," he states, "appear to be impossible to build houses that are really needed in the numbers that are needed . . . through the agencies of the present building trade, with its present supply of craftsmen, or possibly through the use of existing building materials." With respect to materials, which are from 200 to 300 per cent higher than in 1914, Professor Clarke suggests the adoption of an anti-trust act similar to our Sherman act and the purchase of materials for state-aided projects by a board of works and public buildings. This board would be effective, he thinks, in bringing about more economical mass production and standardization of parts.

But the most startling limiting factor, and one which seems morally wrong, is the artificial shortage in labor supply created by the restrictive practices of the building trade unions. The number of men laboring to-day in the building industry is only 60 per cent of the number engaged in 1911, and this number continues to decline. The number of skilled craftsmen is about 50 per cent of the number in 1911. Incredible as it may seem, this decrease exists at a time when there are 1,250,000 unemployed persons enrolled in the registers of the employment exchanges. The age of most of these unemployed falls between eighteen and thirty-five years, ages at which they are adapted to entering the building trade as laborers and apprentices. There are thousands of builder's laborers, who may be regarded as semi-skilled in the trades, who could readily become fully qualified if they were given the opportunity, but they are rigidly excluded although the industry is sadly in need of workers. All these are barred by trade union leaders who, in company with some manufacturers and employers, have tasted the sweets of monopoly profits when supply is artificially limited.

It seems impossible that such a situation should be allowed to continue for an instant. At present Great Britain is engaged in pauperizing thousands of her people by the payment of millions in doles to able-bodied people out of work.

And all this is taking place at a time when 363,000 additional craftsmen are needed to bring the number engaged in the building trades up to which it was in 1911; and the new building requirements are double what they were then.

From Professor Clarke's cogent description it would appear incontrovertible that the British housing shortage, which has pestered each government since the war, can never be alleviated until the authorities have the courage to put an end to profiteering in both labor and materials.

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Vienna Now a City-State.—Those who attend the Conference of the International Federation for Town and Country Planning in the autumn of this year will visit a city which has undergone vast changes from the proud position it but recently occupied among the capitals of Europe. It is now a city-state, being both a municipality and a province; the city council is also a parliament.

A recent report to the League of Nations upon

the economic condition of Austria bore high testimony to the efficiency of the government of Vienna which was said to be at once progressive and economical; and we are indebted to the London *Municipal Journal* for a comprehensive summary of this report.

Pre-war Vienna was a cosmopolitan city of oriental splendor which drew wealth from a great empire and visitors from all parts of the world. Now it is the capital of a small impoverished republic with six million inhabitants and is ruled by the social-democratic party. Under the old system the mayor could be appointed only by the approval of the emperor and the city council had little discretion. Now the franchise is free to both sexes and proportional representation has been introduced. The council consists of 120 elected members with a burgomaster selected by it. There are eight administrative departments each under the control of an administrative alderman responsible to the council. The city council is also a provincial diet and the burgomaster is the provincial governor.

The public utilities have been thoroughly socialized. By acquiring a coal mine and making use of water power the rates for electricity have been reduced to what are said to be the lowest in the world. The municipal gas works have also reduced rates to a level of 22½ per cent less than pre-war days although the foreign coal with which the works operate is 62½ per cent higher. The water supply has been increased and sixty pints are allowed free daily to every person so that about two-thirds of the population have no water account to pay. The tramway system has been extended and a uniform fare of about three cents is charged which is less than the fare for the shortest distance in pre-war days. The city maintains municipal markets and operates a large brewery at a profit.

A special feature of the social-democratic government now in power in Vienna is the municipality's partnership in business in addition to the public utility undertakings into which it has entered. The municipality to-day has an interest in seventy-one undertakings, some of which it owns completely while in others its investment is small. The report to the League of Nations does not state how successful has been the investment of public money in private enterprises, but it would seem that when a municipality does not own a majority of the stock it is at the mercy of the private stockholders.

It is stated that the city council has improved health conditions by a better system of sanitation and by providing welfare centers, school clinics, health visitors and the like. Many thousands of houses have been erected under subsidies to private co-operative societies, the municipalities providing the building materials and the execution of the work being entrusted to private builders.

The city is heavily taxed. There are heavy luxury taxes. A 15 per cent tax on restaurant meals and drinks alone yields about $800,000 annually. There are also taxes on servants, motor cars and entertainments, and a heavy income tax on wages and salaries which is described as the backbone of the financial system. In 1925 this tax yielded about $9,000,000. There seems to be no general land tax. There is, however, an increment value tax on land based on the valuation as of January 1, 1903. It is a progressive tax beginning at 10 per cent and in 1925 yielded about $1,000,000. There is also a graduated tax on the rental value of houses which is said to be the only impost which directly burdens Vienna dwellers and work places.

As might be expected under a socialist council, the municipal employes have complete freedom of combination. They are organized into nine groups, and their rights and duties are embodied in general service regulations which cannot be altered except by agreement with a committee consisting of delegates from the city council and representatives of the administrative staff. In matters of discipline the decision is left to a committee composed of equal numbers from both sides. The social democratic control of city government can work radical changes in the older conservative form. Much which it has done can be viewed as only experimental, but the results deserve careful attention and analysis by municipalities throughout the world.

An opportunity to observe the methods by which and the success with which Vienna is extricating herself from the ruin of war is not the least attraction to Americans to attend the International Conference of Town and Country Planning.

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Financial Statistics of City Government, 1924.—The department of commerce announces a summary of the financial transactions of the 248 cities having a population of over 30,000 for the fiscal year 1924.

The payments for maintenance and operation of the general departments of the city govern-

ments of the 248 cities for the fiscal period 1924 amounted to $1,429,749,082, or $35.76 per capita. In 1923 the comparative per capita for maintenance and operation of general departments was $34.15, and in 1917, $19.07. Payments for the operation of public service enterprises, as water works, electric light plants, and similar enterprises, amounted to $139,927,533; interest on debt, $242,373,253; and outlays for permanent improvements, including those for public service enterprises, $829,747,910. The total payments in 1924, therefore, were $2,641,797,778; in 1923, $2,361,049,079; and in 1917, $1,108,021,565. The per capita net governmental-cost payments for expenses and interest for 146 cities covered by the various census reports since 1903 were $45.62 in 1924, $43.65 in 1923, $24.58 in 1917, and $16.41 in 1903. The totals include all payments for the year, whether made from current revenues or from the proceeds of bond issues. Proceeds from the issuance of debt obligations are not considered revenue receipts.

Of the total municipal payments in 1924, 54.1 per cent was for operation and maintenance of general departments; 5.3 per cent, operation and maintenance of public service enterprises; 9.2 per cent, interest on debt; and 31.4 per cent, outlays for permanent improvements.

Of the payments for maintenance and operation of general departments, 39.1 per cent was for education; 20.1 per cent, protection to person and property; 8.7 per cent, highways; 8.4 per cent, general government; 7.6 per cent, sanitation of promotion of cleanliness; 5.8 per cent, charities, hospitals, and corrections; 4.7 per cent, miscellaneous; 3.2 per cent, recreation; and 2.4 per cent, conservation of health.

Of the total payments for outlays for permanent improvements, the principal items were $249,391,298, or 30.0 per cent, for highways; $217,089,810, or 26.1 per cent, for education; and $175,339,575, or 21.1 per cent, for public service enterprises.

REVENUES

The total revenue receipts of the 248 cities for 1924 were $2,322,572,536, or $58.09 per capita. This was $510,522,668 more than the total payments of the year exclusive of the payments for permanent improvements, but $319,225,242 less than the total payments including those for permanent improvements. The revenue receipts included $1,491,234,371 from general property taxes; $55,039,798 from special taxes; $66,287,711 from licenses; $147,780,409 from special assessments; $123,445,210 from subventions, donations, and pension assessments; $112,938,402 from interest, rents, and highway privileges; $240,668,407 from earnings of public service enterprises; and $85,178,228, the remainder, from poll taxes, fines, forfeits, and escheats, and earnings of general departments. The per capita net revenue receipts of 146 cities covered by the various census reports were $58.41 in 1924, $54.78 in 1923, $31.97 in 1917, and $21.14 in 1903.

The net indebtedness (funded or fixed debt less sinking fund assets) of the 248 cities amounted to $4,226,496,952, or $105.71 per capita, in 1924. The per capita net debt of 146 cities covered by the various census reports was $110.09 in 1924, $103.34 in 1923, $80.75 in 1917, and $44.71 in 1903.

For 1924 the assessed valuation of property subject to ad valorem taxation for city purposes was $59,460,859,827 for the 248 cities having over 30,000 population; and the amount of taxes levied was $1,557,550,094, or $38.96 per capita.

These statistics cover the government of the city corporation proper, and also independent school districts, sanitary districts, park districts, and other independent districts practically coextensive with the cities. They also include a per cent of the financial transactions, debt, and tax levies of the county governments for cities having over 300,000 population, in order that the statistics for such cities may be comparable with those for other cities in this class in which the ordinary county functions are performed by the city government.

The Special Session of the Michigan Legislature.—Pursuant to a proclamation of Governor Alex J. Groesbeck dated February 3, 1926, the legislature of Michigan met in special session on February 16, 1926. It was one of the warmest meetings in recent years and there were a number of lively struggles which a reading of the journal will not disclose. The anti-Groesbeck forces in the legislature, particularly in the house, endeavored to thwart the governor's plans, but the results of the session give clear proof that the governor is still the master of the political situation. In fact, even the factions opposing him will admit in their franker moments that he at least is a constructive leader.

The constitution of Michigan provides that only those subjects submitted by the governor at

a special session may be considered by the legislature. But the governor was not obdurate to reasonable suggestions, and in four different messages he authorized legislation on twenty-eight matters of current interest and importance. The prime reason for calling the special session, however, was to secure legislative sanction for a contract which had been arranged between the state and the Grand Trunk Railway, and also to pass legislation to meet what the governor considered an emergency in highway matters.

Several matters of importance were acted upon by the legislature, and one act in particular will be of permanent benefit to the state, namely, the act authorizing the proper state officers to contract with the Grand Trunk Railway for the termination of the special charter held since 1834 by the Detroit, Grand Haven and Milwaukee Railroad, a subsidiary of the Grand Trunk system. This railroad is the only one in Michigan which still operates under a special charter. By virtue of this charter, the railroad has been paying about $25,000 annually in taxes instead of at least $350,000 which it would have to pay if it came under the general railroad law. Under the bill passed by the special session, the charter is revoked as soon as the terms of the contract have been complied with. The contract provides that the state shall buy a new right of way for the railroad line at a point north of Detroit and pay for the removal of the tracks, the full cost to be returned to the state by the railroad at the rate of $200,000 a year. The exact terms of the contract were kept secret because the purchase of real estate was involved, and it was naturally not desired to make public the location of the land which was to be bought.

The governor's favorite measure, known as the Kirby bill, permitting the amortization of the state reward debt to the counties over a period of years, was passed. This will make enough money available to meet a federal aid payment and thus provide for the continuance of the state highway construction program. Appropriations for the erection of a library and administrative building at the Central Michigan Normal School at Mount Pleasant, for the completion of the new Michigan state prison at Jackson, and for the continuance of a project originally started before the war for a Training School for Women at Okemos, were enacted and approved by the governor. The latter project was passed on the day of the final adjournment at the earnest solicitation of the State Federation of Women's Clubs.

Among the other important measures of the special session were: an act providing for the appointment of a commission to inquire into and investigate criminal court procedure in the state and to recommend changes in such procedure; an act creating a commission to make inquiry into the receipts and disbursements of the Michigan Patriotic Fund which had been transferred to the American Legion; an act authorizing a legislative committee to locate and purchase a site for a state tuberculosis sanatorium; an act sponsored by Representative Sink which makes it illegal for airplanes to operate at heights less than 1,500 feet above open air assemblies of people; and an act which gives the counties the right to escape from the bonding frenzy by establishing sinking funds for the construction or repair of public buildings.

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